

**Agenda**

**Scheduled Council Meeting**

Tuesday 18 February 2025 at 6pm

Council Chamber,

25 Ferres Boulevard, South Morang

Councillors

Cr Aidan McLindon, Mayor Kirrip Ward

Cr Daniela Zinni, Deputy Mayor Bundoora Ward

Cr Nic Brooks Thomastown Ward

Cr Blair Colwell Mill Park Ward

Cr Lawrie Cox Ganbul Gulinj Ward

Cr Deb Gunn Painted Hills Ward

Cr Stevan Kozmevski Lalor Ward

Cr Jarrod Lappin Mernda Ward

Cr David Lenberg Epping Ward

Cr Christine Stow North Ward

Cr Martin Taylor South Morang Ward

Executive Leadership Team

Craig Lloyd Chief Executive Officer

Emma Appleton Director Planning & Development

Agata Chmielewski Director Community Wellbeing

Sarah Renner Director Customer & Corporate Services

Debbie Wood Director Infrastructure & Environment

Janine Morgan Executive Manager Public Affairs

Jacinta Stevens Executive Manager Office of Council & CEO

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**Note:**

At the Mayor’s discretion, the meeting may be closed to the public in accordance with Section 66(2)(a) of the *Local Government Act 2020*. The provision which is likely to be relied upon to enable closure is set out in each item. These reports are not available for public distribution.

**Question Time:**

Council will hold public question time for up to 30 minutes at each Scheduled Council Meeting to allow for public questions, petitions or joint letters from our community to be read out by the Chief Executive Officers delegate and responses will be provide by the Chief Executive Officer.

Questions are required to be submitted in writing no later than 12 noon on the day prior to a Scheduled Council Meeting.

Priority will be given to questions or statements that relate to agenda items. Any questions submitted after 12 noon the day prior will be held over to the following Council Meeting.

The Public Question form can be downloaded from Council’s website. Refer: <https://www.whittlesea.vic.gov.au/about-us/council/council-meetings/>

Council is committed to ensuring that all residents and ratepayers of the municipality may contribute to Council’s democratic process and therefore, if you have special requirements, please telephone Council’s Governance Team prior to any Council Meeting on   
(03) 9217 2170.

**1 Opening**

**1.1 Meeting Opening and Introductions**

The Mayor, Cr Aidan McLindon will open the meeting and introduce the Councillors and Chief Executive Officer:

Cr Daniela Zinni, Deputy Mayor

Cr Nic Brooks

Cr Blair Colwell

Cr Lawrie Cox

Cr Deb Gunn

Cr Stevan Kozmevski

Cr Jarrod Lappin

Cr David Lenberg

Cr Christine Stow

Cr Martin Taylor

Craig Lloyd, *Chief Executive Officer*

The Chief Executive Officer, Craig Lloyd will introduce members of the Executive Leadership Team:

Emma Appleton, *Director Planning and Development;*

Agata Chmielewski, *Director Community Wellbeing;*

Sarah Renner, *Director Corporate and Customer Services;*

Debbie Wood, *Director Infrastructure and Environment;*

Janine Morgan, *Executive Manager Public Affairs;* and

Jacinta Stevens, *Executive Manager Office of Council and CEO*.

**1.2 Apologies**

**1.3 Acknowledgement of Traditional Owners Statement**

The Mayor will read the following statement:

*“On behalf of Council, I recognise the rich Aboriginal heritage of this country and acknowledge the Wurundjeri Willum Clan and Taungurung People as the Traditional Owners of lands within the City of Whittlesea.*

*I would also like to acknowledge Elders past, present and emerging.”*

**1.4 Diversity and Good Governance Statement**

The Mayor will read the following statement:

*“At the City of Whittlesea we are proud of our diversity and the many cultures, faiths and beliefs that make up our community. We strive to be an inclusive welcoming City that fosters active participation, wellbeing and connection to each other and this land. We commit as a Council to making informed decisions to benefit the people of the City of Whittlesea now and into the future, to support our community’s vision of A Place For All.*”

**1.5 Acknowledgements**

**2 Declarations of Conflict of Interest**

**3 Confirmation of Minutes of Previous Meeting/s**

# Recommendation

**THAT the following Minutes of the preceding meeting as circulated, be confirmed:**

* **Scheduled Meeting of Council held on 17 December 2024; and**
* **Unscheduled Council Meeting held on 4 February 2025.**

**4 Public Questions, Petitions and Joint Letters**

**4.1 Public Question Time**

**4.2 Petitions**

4.2.1 Calling for the Resignation of the Mayor

**4.2.1 Calling for the Resignation of the Mayor**

A petition has been received containing 1153 signatures calling for the resignation of the Mayor as the residents have lost faith in his ability to carry out the duties of Mayor. After only 9 weeks in office, he has chosen to seek election for the seat of Werribee, raising concerns about his commitment to the responsibilities and obligations that come with leading our community.

The position of Mayor demands full attention, dedication, and focus on the needs and wellbeing of the residents of Whittlesea. The current Mayors decision to pursue another political role so soon after being elected to serve our city reflects a disregard for the trust placed in him by the residents. His actions suggest that he is more focused on advancing his personal political career rather than fulfilling the promises he made to the community.

The residents of Whittlesea deserve a Mayor who prioritizes their interests and dedicates the necessary time and effort to serve the city effectively. We believe that the Mayors actions have undermined public confidence and trust in his leadership. Therefore, we respectfully call for his resignation and the election of a new Mayor who is committed to serving the people of Whittlesea with integrity and dedication.

# Recommendation

**THAT Council note the petition.**

**4.3 Joint Letters**

4.3.1 Public Toilets in Parks & Improved Public Transport in Epping and Wollert

**4.3.1 Public Toilets in Parks & Improved Public Transport in Epping and Wollert**

A joint letter has been received from members of the Epping-Wollert Nepalese Community and signed by 113 residents requesting Council address the need for public toilets in parks and improved public transport in Epping and Wollert.

# Recommendation

**THAT Council:**

1. **Note the joint letter lodged by Epping-Wollert Nepalese Community.**
2. **Acknowledge that the existing bus services within our growing suburbs are insufficient and note that Council has been, and will continue, advocating to the Department of Transport and Planning for increased bus services, with a particular focus on services to and from Epping Station.**
3. **Resolve the Chief Executive Officer write to the Minister for Transport and Department of Transport and Planning requesting they expedite improvements to the bus services to Wollert and include a copy of the joint letter.**
4. **Note Officers will write to the Epping-Wollert Nepalese Community Council’s resolution and advocacy priorities.**

**5 Officers' Reports**

5.1 Rainbow Advisory Committee - TOR

**5.1 Rainbow Advisory Committee – Terms of Reference**

**Director/Executive Manager:** Director Community Wellbeing

Director Infrastructure & Environment

**Report Author:** Manager Community Strengthening

Unit Manager Healthy & Inclusive Communities

**In attendance:** Manager Community Strengthening

# Executive Summary

At its 21 May 2024 meeting, Council received a petition to establish an LGBTIQA+ advisory committee. Council noted the establishment of a committee would be considered as part of a broader review of Council’s advisory committees following the October 2024 local government elections.

Currently there is no formal governance mechanism in place for Council to engage with members of the LGBTIQA+ community, representatives and interest groups in the City of Whittlesea.

This report presents the draft Terms of Reference for a City of Whittlesea Rainbow Advisory Committee for Council’s endorsement.

# Officers’ Recommendation

**THAT Council:**

1. **Endorse the establishment of the City of Whittlesea Rainbow Advisory Committee.**
2. **Endorse the City of Whittlesea Rainbow Advisory Committee Terms of Reference in Attachment 1.**
3. **Resolves to appoint Councillor\_\_\_\_\_\_\_ , and Councillor \_\_\_\_\_\_\_ as the proxy to the City of Whittlesea Rainbow Advisory Committee.**
4. **Note the dates of the first two-year appointments to the City of Whittlesea Rainbow Advisory Committee will be brought in line with Council’s annual appointments to advisory groups and committees.**

# Background / Key Information

**Background**

At its 21 May 2024 meeting, Council received a petition to establish an LGBTIQA+ advisory committee. Council noted the establishment of a committee would be considered as part of a broader review of City of Whittlesea’s advisory committees following the October 2024 local government elections.

Key Direction 2 in the endorsed City of Whittlesea Connected Communities Strategy Action Plan identifies an action to “Develop a proposal to establish an advisory group with the LGBTIQA+ community to support delivery of inclusive activities and programs in Council’s facilities and spaces”.

***Purpose of the Rainbow Advisory Committee***

The Rainbow Advisory Committee will formally establish Council’s role in advocating for the equality and inclusion of the LGBTIQA+ people, families and communities within the wider context of the City of Whittlesea.

The Committee will provide advice and recommendations to Council in relation to the LGBTQIA+ community, including:

* Advise Council of current and emerging needs of City of Whittlesea’s LGBTQIA+ community.
* Contribute and provide feedback to Council on policies, plans and services, ensuring the perspectives and lived experiences of LGBTQIA+ community members are considered.
* Raise awareness and identify advocacy opportunities to promote knowledge, equality and inclusion of the LGBTQIA+ community.
* Assist in the exchange of information and views between community, Council and other relevant bodies on issues affecting the LGBTQIA+ community.

***Membership***

The Committee will be comprised of one Councillor appointed annually by Council, up to nine voting community members and a minimum of two representatives from community-controlled organisations, agencies or service providers who are linked with LGBTIQA+ communities in the City of Whittlesea.

The responsibilities of the Chair shall be shared between Director Community Wellbeing of Whittlesea City Council and a member of the Rainbow Advisory Committee. The appointment of the Co-Chair from the Rainbow Advisory Committee shall be determined through a voting process.

Acknowledging intersectionality, a broad representation of the community will be sought, based on ensuring a balance of gender, sexual orientation, age range, disability, cultural diversity, and faith backgrounds.

The term of member appointment will be for an initial period of two years. A two-year extension can be offered at the mutual agreement of the Co-Chairs.

***Recruitment and selection process***

An Expression of Interest (EOI) process inviting applications from the City of Whittlesea community will be advertised through Council channels and circulated through local networks. Key organisations may be recruited directly by Council Officers.

The EOI process is proposed to start in March 2025 and will be advertised for a minimum of 14 days.

An internal assessment panel comprising the Director Community Wellbeing, the Executive Sponsor of the internal Pride Employee Representative Group and a Council Officer will select members of the inaugural Committee. Candidates will be endorsed by the CEO.

Should a vacancy occur during the term of the Committee, the vacancy will be advertised as an EOI on Council’s website. Council will be responsible for appointing a person/s to fill any vacancy for the remainder of the term.

Council will undertake a new recruitment and selection process to fill vacancies at the end of the term of appointment. Existing members wishing to continue their appointment on the Committee will be invited to reapply.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Connected Communities**

We work to foster and inclusive, healthy, safe and welcoming community where all ways of life are celebrated and supported.

Key Direction 2 in the endorsed City of Whittlesea Connected Communities Strategy Plan identifies an action to “Develop a proposal to establish an advisory group with the LGBTIQA+ community to support delivery of inclusive activities and programs in Council’s facilities and spaces”.

The Committee will provide Council with an opportunity to work proactively with this priority population group to recognise their lived experience, and address barriers to their participation in community life.

# Considerations of *Local Government Act (2020)* Principles

Financial Management

The cost of this Committee is included in the current budget. A Council Officer appointed to the Committee will provide administrative support to the Chair.

Community Consultation and Engagement

Community advisory groups provide a tangible expression of how Council realises its commitment to engagement and consultation.

Currently there is no formal governance mechanism in place for Council to engage with members of the LGBTIQA+ community, representatives and interest groups.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

(a) Council decisions are to be made and actions taken in accordance with the relevant law.

(b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

(d) The municipal community is to be engaged in strategic planning and strategic decision making.

(e) Innovation and continuous improvement is to be pursued.

(f) Collaboration with other Councils and Governments and statutory bodies is to be sought.

(h) Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

(i) The transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

(a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

(b) Council information must be publicly available unless—

(i) the information is confidential by virtue of the *Local Government Act* or any other Act; or

(ii) public availability of the information would be contrary to the public interest.

(c) Council information must be understandable and accessible to members of the municipal community.

(d) Public awareness of the availability of Council information must be facilitated.

# Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

The Rainbow Advisory Committee will acknowledge the intersectionality and diverse lived experience of the City of Whittlesea community and provide advice and recommendations to Council.

Economic

An inclusive and safe community supports individuals’ abilities to ensure their economic participation in the community.

**Legal, Resource and Strategic Risk Implications**

Currently the City of Whittlesea has the Rainbow Tick accreditation for its Youth Services program. The Rainbow Tick is designed to support organisations to improve the quality of services they provide to LGBTIQA+ service users, staff and volunteers.

To maintain accreditation Council will be required to maintain the current systems and processes within that service area whilst demonstrating that it has embedded LGBTIQA+ inclusive practices across all of its systems and continuously seeks out opportunities for improvement.

# Implementation Strategy

Communication

Once the TOR are endorsed by Council, a communication strategy will be developed to advertise the EOI and ensure a representative membership.

Critical Dates

It is anticipated that the Committee will be established by June 2025.

# Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020*officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

# Attachments

1. Rainbow Advisory Committee Terms of Reference [**5.1.1** - 5 pages]

5.2 Planning Scheme Amendment GC249- Beveridge Intermodal Precinct, Stage 1A- Council Submission

**5.2 Planning Scheme Amendment GC249- Beveridge Intermodal Precinct, Stage 1A- Council Submission**

**Director/Executive Manager:** Director Planning & Development

**Report Author:** Unit Manager Strategic Planning

**In Attendance:** Manager Strategic Futures  
Unit Manager Strategic Planning

# Executive Summary

The purpose of this report is to provide an overview of Planning Scheme Amendment GC249 - Beveridge Intermodal Precinct Stage 1A (the Amendment) and present Council’s submission to the proposed Amendment for endorsement.

The Amendment proposes to amend the Whittlesea Planning Scheme and Mitchell Planning Scheme to facilitate the development of Stage 1A of the Beveridge Intermodal Precinct. The National Intermodal Corporation (NIC) are the proponents for the project and have requested that the Minister for Planning prepare and approve the Amendment under clause 20(4) of the *Planning and Environment Act 1987* (refer to Attachment 1).

The Beveridge Intermodal Precinct will be a significant freight and logistics hub which is proposed to be developed in the north of the municipality adjoining the existing Melbourne-Albury-Sydney rail freight corridor (refer to Attachments 2 and 3). According to the NIC, at completion the Beveridge Intermodal Precinct is anticipated to deliver up to 7,000 direct jobs and an estimated 20,000 associated jobs. Noting the economic benefits of the project to the municipality and region, delivery of the Beveridge Intermodal Precinct has been an advocacy priority for Council.

The planning and delivery of Beveridge Intermodal Precinct and broader Northern Freights Precinct is being broken up into stages (refer to Attachment 4). This initial phase (Stage 1A) involves the construction and operation of a permanent rail connection to the existing Melbourne-Albury-Sydney rail freight corridor, an interim intermodal terminal and associated infrastructure (refer to Attachment 5 and 6). The interim terminal will have the capacity to handle up to two 1,800-metre interstate freight trains daily, eventually handling double-stacked container services to enable improved freight services across Melbourne and through to Sydney, Brisbane, and Perth. Planning for stages 1B and 2 will proceed during 2025 and is expected to be finalised in 2026.

The Department of Transport and Planning, on behalf of the Minister for Planning, referred the proposed Amendment to Council on 6 November 2024. A full suite of documentation was received on the 25 November 2024. Feedback was invited until 23 December 2024.

Noting the short timeframe for feedback, Council officers have prepared a submission to the Amendment and provided it to the Department of Transport and Planning (refer to Attachment 7). The feedback will be considered by the Minister for Planning as part of the decision making on the proposed Amendment and final planning controls.

The submission notes that the updated Amendment documents prepared by the NIC addresses many of the issues raised by Council officers as part of earlier consultations (refer to Attachment 8). The submission requests a number of final changes to the proposed planning controls and comments on the documents submitted for review. These items relate to issues including road network and infrastructure contributions, cultural heritage, native vegetation, environmental management framework and hydrology.

This report recommends that Council endorses the Council Officers submission to Amendment GC249.

It is expected that the Minister for Planning will make a decision on the proposed Amendment in early 2025.

# Officers’ Recommendation

**THAT Council:**

1. **Note the request by the National Intermodal Corporation for the Minister for Planning to approve Planning Scheme Amendment GC249 - Beveridge Intermodal Precinct Stage 1A.**
2. **Endorse the Council submission to Planning Scheme Amendment GC249 - Beveridge Intermodal Precinct Stage 1A at Attachment 7 of this report.**

# Background / Key Information

**Beveridge Intermodal Precinct**

The Beveridge Intermodal Precinct project is being delivered by the Commonwealth owned National Intermodal Corporation (NIC) and will deliver a brand-new modern freight and logistics hub in Beveridge and according to the NIC is anticipated to create up to 7,000 direct jobs and an estimated 20,000 associated jobs when completed. The Beveridge Intermodal Precinct is part of the broader Northern Freights Precinct Structure Plan area.

The Beveridge Intermodal Precinct is located in the north of the City of Whittlesea immediately adjoining the existing Melbourne-Albury-Sydney rail freight corridor and the future southern terminus of the Inland Rail (refer to Attachments 2 and 3). The Inland Rail is a project being delivered on behalf of the Commonwealth Government to build a 1,600km freight rail line that will connect Melbourne and Brisbane.

The site is located on and accessed from Beveridge Road. The site interfaces with the Merri Creek and environmentally significant Herne Swamp. The site also adjoins Mitchell Shire Council which is located on the opposite side of the rail corridor.

A freight terminal in this location has been long planned for. It was first identified in the *Victorian Transport Pla*n which was released by the State Government in 2008. It is identified in current plans including *Plan Melbourne 2017-2050,* the *Victorian Freight Plan, Delivering the Goods, 2018* and Council’s Municipal Planning Strategy. The project has been a significant advocacy item for Council recognising the anticipated economic benefits to the municipality and region.

In 2023, the NIC acquired 1100ha of land for the purposes of delivering an intermodal precinct. The NIC are a Commonwealth owned Government Business Enterprise. The NIC are in the process of delivering a number of intermodal precincts across Australia. The newly constructed precinct at Moorebank in Sydney is the first precinct to be delivered.

The construction of new intermodal freight terminals will enable more freight to be moved between Australia’s main cities (including Melbourne, Sydney, Brisbane and Perth) by rail. This promises to have a number of benefits including increased productivity, strengthen supply chains, enhanced sustainability and reduced road congestion. There will also be benefits locally, particularly in respect to the creation of thousands of jobs across a number of sectors.

The Commonwealth Government have also committed to funding associated infrastructure required to activate the Beveridge Intermodal Precinct including $900 million to the Camerons Lane interchange with the Hume Freeway (located in Mitchell Shire Council) which was announced by the Prime Minister, Anthony Albanese in Beveridge in May 2024.

The new interchange with the Hume Freeway is required to provide safe access to the site for heavy vehicles via Minton Street and Beveridge Road.

**Planning and Delivery Phasing**

The Beveridge Intermodal Precinct and broader Northern Freights Precinct is proposed to be planned and delivered in a number of stages. A description of each stage is provided below in Table 1 and the areas subject of each stage are shown in Attachment 4.

Table 1: Stages of Precinct Planning and Development

|  |  |  |
| --- | --- | --- |
| Stages | Stage Description | Lead Agency |
| 1A | Approval for permanent rail connection and interim intermodal precinct. Expected to be developed in 2025. | National Intermodal Corporation |
| 1B | Freight Terminal Development Plan including the permanent intermodal terminal and surrounding logistics hub. Expected to be developed by 2029. | National Intermodal Corporation |
| 2 | Northern Freight Precincts Plan (broader employment precinct) including land in the precinct south of Beveridge Road. To be developed in the future. | Victorian Planning Authority |

It is expected that Stage 1A will be finalised and approved in early 2025. Construction will be expected to commence shortly thereafter upon endorsement of any subsequent plans required by the approved planning controls.

The planning for stages 1B and 2 will proceed in 2025 and expected to be finalised in 2026. Development for Stage 1B will then commence shortly after.

**Stage 1A**

Stage 1A of the project consists of the construction and operation of a permanent rail connection to the existing Melbourne-Albury-Sydney rail freight corridor, an interim intermodal terminal and associated infrastructure. The interim terminal will have the capacity to handle up to two 1,800-metre interstate freight trains daily, eventually handling double-stacked container services to enable improved freight services across Melbourne and through to Sydney, Brisbane, and Perth.

Specifically, the Stage 1A works comprise the following components, which includes a mix of permanent development and temporary development:

* Rail connection – rail connection from the existing rail corridor (future Inland Rail) to the terminal.
* Rail infrastructure – turnouts and sidings to accommodate interstate trains up to 1,800m long.
* Intermodal terminal – container handling and storage area for loading and unloading of trains. Manual handling only with reach stackers.
* Site access and internal roads – Beveridge Road intersection and internal access road for heavy and light vehicle movement within the site.
* Drainage infrastructure – drainage and stormwater quality treatment works and stormwater infrastructure to manage and control the stormwater runoff prior to discharging into Merri Creek.
* Ancillary development – demountable administration facility, refuelling, water storage and drainage, lighting, fencing, weighbridge, solar generation and power storage, signage.
* External roads – upgrade works to road network.
* Utilities – connection and site lead in for electricity, telecommunications, sewer and potable water.
* Vegetation removal – removal of native vegetation within the project area boundary to the minimum extent required to facilitate the use and development.

A plan of the proposed Stage 1A works is included at Attachment 5 and renders are included at Attachment 6.

**Planning Scheme Amendment GC249**

In November 2024, the National Intermodal Corporation submitted a request to the Minister for Planning to prepare and approve Planning Scheme Amendment GC249 – Beveridge Intermodal Precinct Stage 1A (the Amendment)under section 20(4) of the *Planning and Environment Act 1987* (refer to Attachment 1). The Amendment proposes to amend the Whittlesea Planning Scheme and Mitchell Planning Scheme to facilitate the development of Stage 1A of the Beveridge Intermodal Precinct.

Amendments under section 20(4), also referred to as Ministerial Amendments, enable a ‘fast tracked’ amendment process where the Minister can exempt themselves from normal steps in the process including exhibition and the planning panel. In considering the Amendment, the Minister may seek the views of affected stakeholders through an ‘informal’ consultation process.

The Amendment proposes to apply a Specific Controls Overlay to an approximately 67-hectare portion of the land and introduce an Incorporated Document into the Planning Schemes which will allow the use and development of that part of the land for the project in accordance with the Incorporated Document.

The application was submitted to the Minister for Planning in November 2024. This was an updated application following an initial application made in October 2023 (proposed Amendment C276wsea).

The initial application was subject to review and consultation with affected stakeholders including Council. Council made a preliminary submission to this initial application in December 2023 (refer to Attachment 8). The November 2024 application has responded to the issues raised in response to the initial 2023 application.

**Council Officer Submission**

On 6 November 2024, the Department of Transport and Planning sent a further request for Council’s feedback on the proposed Amendment. The final package of Amendment documents was provided to Council on 25 November 2024. The deadline for Council to provide its feedback was the 23 December 2024. The feedback will be used to inform the Minister for Planning’s decision on the Amendment and the final planning controls.

Noting the limited timeframe, a submission was prepared and submitted by Council officers (refer to Attachment 7). The submission acknowledged that many of the changes requested by Council as part of its initial feedback provided in December 2023, has been incorporated in the proposed Amendment.

The Council officer submission has been informed by an internal review of the Amendment and engagement with key stakeholders on the project including the NIC, Victorian Planning Authority, Department Transport and Planning and Mitchell Shire Council.

The submission notes that the updated Amendment documents prepared by the NIC address many of the issues raised by Council officers as part of earlier consultations. The submission requests a number of final changes to the proposed planning controls and comments on the documents submitted for review.

The key items raised in the submissions are summarised below.

Road Network and Infrastructure Contributions

The Beveridge Intermodal Precinct will be located on Beveridge Road which is currently a Council managed road. Beveridge Road is currently constructed to a rural road standard. The development as part of Stage 1A is expected to generate up to 80 truck movements a day and maximum 8 movements per hour. Traffic will access the site from the Hume Freeway and via the existing road network through Mitchell Shire Council. Traffic will only be diverted onto the road network in Whittlesea in exceptional circumstances such as a traffic incident on the Hume Freeway. In these circumstances, vehicles will utilise the arterial road network which is managed by the State Government and not local roads.

The submission requests changes to the Incorporated Document to ensure that the proponent (NIC) upgrades Beveridge Road to acceptable standard as part of the Stage 1A development and contributes to the upgrade of the broader road network, including upgrades in Mitchell Shire Council, as required.

It is noted that further upgrades to the road network will be required as part of the development of stages 1B and 2. This includes further upgrades to Beveridge Road which will ultimately form part of the arterial road network and be managed by the State Government.

The submission also provides more specific feedback in respect to site access, speed limits and planning for the future road network to be considered as part of subsequent processes.

Cultural Heritage

The site contains areas of cultural significance including ‘stony rises’ some of which will be impacted by the proposed Stage 1A works. As such the submission recommends that the Cultural Heritage Management Plan be finalised as early in the process as possible and that the proponent and State Government engage closely with the Registered Aboriginal Party in respect to the planning for the Beveridge Intermodal Precinct and managing cultural heritage impacts. The NIC have been meeting regularly with the Wurundjeri Woi-wurrang Aboriginal Heritage Cultural Corporation as part of the Cultural Heritage Management Plan process.

Native Vegetation

The Stage 1A works will require the removal of some native vegetation. The proponent will be required to secure ‘offsets’ for the native vegetation to be removed. Council’s submission requests that the offsets be secured prior to the removal of native vegetation in accordance with the standard process outlined in the State Government's *Guidelines for the removal, destruction and lopping of native vegetation.*

Environmental Management Framework

The draft planning controls requires that an Environmental Management Framework (EMF) be prepared by the proponent and approved by the Minister for Planning prior to the commencement of works. The EMF will ensure that the potential environmental impacts are appropriately managed during construction works on the site.

Council’s submission seeks to ensure that the City of Whittlesea is consulted on all of the plans which are required to be prepared by the proponent and approved by the Minister for Planning.

Council’s submission also seeks changes to the planning controls to require the EMF to address both the protection of threatened species and vegetation and the management of wildlife within the project area.

Hydrology

The subject site is partly affected by the floodplain of the Merri Creek and Herne Swamp. The floodplain supports significant ecological communities including the Seasonally Herbaceous Wetland (SHW) which is protected under the *Environmental Protection and Biodiversity Conservation Act* (EPBC). The historical extent of the Herne Swamp has been significantly impacted by wetland drainage for agriculture and other developments such as the rail corridor.

The proposed rail connection will need to traverse the floodplain of the Herne Swamp. The NIC have been engaging with Melbourne Water and other stakeholders in respect to the design and potential impacts on the floodplain. Council’s submission is that the proposal should ensure that there is no detrimental change to the current hydrology of the floodplain and that the project include initiatives to restore the hydrology of historically impacted areas such as Herne Swamp.

Other matters

The submission also provides more specific feedback on a number of other matters including:

* Feedback on the draft Environmental Sustainable Design statement. This document is not part of the Planning Scheme Amendment documents however is required as part of the next stage of the process. A draft version of the document was submitted for initial review.
* Feedback on the draft Environmental Management Framework. This document is not part of the Planning Scheme Amendment documents however is required as part of the next stage of the process. A draft version of the document was submitted for initial review.
* Mapping of potential habitat for the recently ‘rediscovered’ Victorian Grassland Earless Dragon has recently been finalised by the Department of Energy, Environment and Climate Change and covers part of the subject site. The submissions recommends that targeted surveys for the species be undertaken on the site.

It is also noted that Councils earlier submission also highlighted key issues to be considered as part of planning for Stage 1b of the precinct including:

* Community and stakeholder engagement;
* High quality urban design response;
* Contributions to local and state infrastructure;
* Detailed technical reports and responses to key issues including, but not limited to hydrology, ecology, ESD, transport, heritage and landscaping;
* A Cultural Heritage Management Plan for the site;
* A plan for the conservation and use of heritage sites; and
* A plan and commitment for jobs and training to provide the local workforce required for the precinct.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Liveable Neighbourhoods**  
Our City is well-planned and beautiful, and our neighbourhoods and town centres are convenient and vibrant places to live, work and play.

The submission requests changes to the planning controls to ensure that the development of Stage 1A of the Beveridge Intermodal Terminal is well-planned and addresses the key transport and environmental issues.

# Considerations of *Local Government Act (2020)* Principles

Financial Management

The cost is included in the current budget.

Community Consultation and Engagement

In February 2024, the NIC conducted a community 'drop in’ session in Beveridge. Officers from the City of Whittlesea and Mitchell Shire Council were also in attendance. Landowners in the vicinity of the Beveridge Intermodal Precinct were directly notified of the session. 54 community members from the Beveridge area, including residents of both the City of Whittlesea and Mitchell Shire Council, attended the session to learn more about the proposal and provide feedback.

A further community information session is scheduled to be held in Beveridge on Thursday, 13 February 2025.

The NIC have met regularly with Wurundjeri Woi-wurrang Aboriginal Heritage Cultural Corporation as part of the process for preparing the Cultural Heritage Management Plan.

The NIC have also met and presented to other stakeholders including community groups such as the Merri Creek Management Committee.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

(b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Public Transparency Principles

1. Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

# Council Policy Considerations

Environmental Sustainability Considerations

Council’s submission provides feedback on the proposal in respect to environmental sustainability considerations.

Social, Cultural and Health

Council’s submission provides feedback on the proposal in respect to cultural heritage considerations.

Economic

The project will have a positive economic impact. Noting that Stage 1A will be a small interim facility, the benefits will initially be modest. However, it is an important stage of development to facilitate the activation of the broader Beveridge Intermodal Precinct which will generate a significant economic benefit to the region. As part of the planning for the broader Beveridge Intermodal Precinct (Stage 1B), Council is advocating for a plan and commitment for jobs and training to provide the local workforce required for the freight terminal and supporting logistics hub.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

If the Amendment is approved by the Minister for Planning, the approved Amendment documents will be published on the Department of Transport and Planning website.

Critical Dates

* May 2023 – NIC acquire land at Beveridge to deliver intermodal freight terminal.
* 27 October 2023 – Initial application for Amendment (C276wsea) submitted to Minister for Planning by the NIC.
* 13 November 2023 – Initial application (Amendment C276wsea) referred by the Department of Transport and Planning to Council and other stakeholders for feedback.
* 22 December 2023 – Initial Council officer submission provided to the Department of Transport and Planning.
* 29 February 2024 – Community engagement session conducted by NIC in Beveridge.
* 17 May 2024 – Announcement by Commonwealth Government on funding Camerons Lane interchange with Hume Freeway.
* 1 November 2024 – Revised application for Amendment (GC249) submitted to Minister for Planning by the NIC.
* 6 November 2024 – Proposed Amendment (GC249) referred by the Department of Transport and Planning to Council and other stakeholders for feedback.
* 25 November 2024 – Final package of Amendment documents received by Council for review.
* 20 December 2024 – Council officer submission to proposed Amendment GC249 submitted to the Department of Transport and Planning.
* 23 December 2024 – Closing date for feedback to proposed Amendment GC249.
* Early 2025 – Community information session to be conducted by NIC (date to be determined).
* Early 2025 – Expected timeframe for Minister for Planning’s decision on Amendment GC249.

# Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020*officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

# Attachments

1. Request to Minister for Planning to approve Amendment GC249 [**5.2.1** - 7 pages]
2. Location and Context Plans [**5.2.2** - 3 pages]
3. Site Context Plan [**5.2.3** - 1 page]
4. Northern Freights Precinct and Beveridge Intermodal Precinct Phasing Plan [**5.2.4** - 1 page]
5. Stage 1A Plans - Beveridge Intermodal Precinct [**5.2.5** - 2 pages]
6. Stage 1A Renders - Beveridge Intermodal Precinct [**5.2.6** - 1 page]
7. City of Whittlesea Officer Submission to Planning Scheme Amendment GC249, December 2024 [**5.2.7** - 26 pages]
8. City of Whittlesea Officer Submission to Stage 1A Beveridge Intermodal Precinct, December 2023 [**5.2.8** - 14 pages]

5.3 Planning Scheme Amendment C249 – Municipal Planning Strategy and Planning Policy Framework Update - Exhibition Outcomes and Adoption

**5.3 Planning Scheme Amendment C249 – Municipal Planning Strategy and Planning Policy Framework Update - Exhibition Outcomes and Adoption**

**Director/Executive Manager:** Director Planning & Development

**Report Author:** Strategic Planner

**In Attendance:** Manager Strategic Futures  
Coordinator Planning Policy & Implementation  
Strategic Planner

# Executive Summary

This report discusses outcomes of the exhibition process in respect to Planning Scheme Amendment C249wsea – Planning Scheme Review Implementation (Amendment C249). The report recommends that Amendment C249 is adopted by Council in accordance with the planning provisions included at attachments 1 and 2 of this report and submitted to the Minister for Planning for approval.

Amendment C249 seeks to update the Whittlesea Planning Scheme (WPS) to implement the outcomes and recommendations of the Planning Scheme Reviews (PSR) undertaken in 2018 and 2022. The Amendment comprises largely administrative changes to implement some of the outstanding recommendations from the 2018 PSR.

In summary, these changes are:

* Incorporate relevant content from the following Council-endorsed strategies and policies adopted since the 2018 PSR:
  + Amended Cooper Street West Position Paper (Whittlesea City Council, October 2017).
  + Biodiversity Strategy 2019 – 2029 (Whittlesea City Council, June 2019).
  + Cooper Street Employment Area Design Guidelines (Whittlesea City Council, March 2018).
  + Stage Two Dry Stone Wall Study Thematic History and Precincts (David Moloney, August 2020).
  + Greening Whittlesea – City Forest Strategy 2020-2040 (Whittlesea City Council, April 2021).
  + Open Space Strategy: Technical Report (Thompson Berrill Landscape Design, August 2016).
  + Strong Local Economy 2022 – 2026 (Whittlesea City Council, February 2022).
  + Sustainable Environment Strategy 2022 – 2032 (Whittlesea City Council, November 2022).
  + Thomastown Industrial Area Plan 2018 – 2038 (Whittlesea City Council, March 2018).
  + Whittlesea 2040: A Place for All (Whittlesea City Council, September 2022).
  + Whittlesea Water for All: Our Water Strategy 2020-2030 (Whittlesea City Council, December 2020).
* Update the Municipal Planning Strategy (MPS) and other Planning Policy Framework (PPF) to incorporate relevant content from the Council Plan and other Council strategies and policies adopted since the 2018 PSR Background Report was itself adopted by Council.
* Make minor updates to various local planning policies and schedules to improve readability and provide greater clarity to users of the WPS.
* Include a new local policy to reflect key outcomes of the adopted Amended Cooper Street West Position Paper (October 2017).
* Correct anomalies in Zones and Overlays, including updated terminology and policy-neutral changes to improve clarity for users of the scheme.
* Delete two local policies which were identified as being redundant and no longer required (Clause 19.03-4L - Satellite dishes and Clause 19.03-4L - Telecommunications conduits).
* Edits the schedules to the Urban Growth Zones (which implement adopted Precinct Structure Plans) to reduce ambiguity or improve consistency, following consultation with the Victorian Planning Authority (VPA).
* Update to the Precinct Infrastructure Plan mandatory condition within the Urban Growth Zone Schedules (UGZ) 3 through to 7, to clarify the intent of the requirements in terms of the quantum and timing of payments of development contributions within the growth areas.
* Delete the Public Acquisition Overlay Schedule 4 at 605 O’Herns Road, Epping which is no longer required.

In summary, the exhibited changes are focused on maintenance of the scheme rather than introducing major strategic changes to the WPS. These changes are informed by internal and external feedback, as well as adopted Council strategies and plans. These updates reduce ambiguity and bring the WPS into line with best practice, as well as the State Government’s requirements in terms of the form and content of Planning Schemes.

At its meeting on 27 June 2023, Council resolved to seek authorisation from the Minister for Planning to commence the amendment process.

Ministerial authorisation was provided on 12 January 2024, on the condition some administrative updates to the drafting of the proposed Amendment, required by the Department of Transport and Planning (DTP), were made prior to exhibition.

Amendment C249 was publicly exhibited from 25 June until 16 August 2024, concurrently with Planning Scheme Amendment C275 – Local Policy Updates (Amendment C275), which similarly implements recommendations of the 2018 and 2022 PSRs. Amendment C275 is being considered as a separate item on this Council agenda.

Three submissions were received during the exhibition period and are described in more detail in the body of the report.

Council officers engaged with submitters and resolved each of the submissions with no changes required to the exhibited Amendment. The WPS clauses amended by C249 are included at attachment 1 and the updated zone and overlay maps at attachment 2.

A tracked changes version showing all changes proposed to the current, operational version of the WPS is included at attachment 3 and a summary of the submissions and officer responses at attachment 4.

Amendment C249 is being presented to Council for a decision to allow the Amendment to be submitted for Ministerial approval. Attachment 5 shows the status of the Amendment in the planning scheme amendment process.

It is recommended that Amendment C249 in accordance with the planning provisions and maps included at attachments 1 and 2 of this report be adopted by Council and forwarded to the Minister for Planning for approval.

# Officers’ Recommendation

**THAT Council:**

1. **Adopt Amendment C249wsea - Planning Scheme Review Implementation, in accordance with the planning provisions and maps included at attachments 1 and 2 of this report.**
2. **Submit Amendment C249wsea - Planning Scheme Review Implementation, as per point 1 above, to the Minister for Planning for approval.**
3. **Advise submitters to Amendment C249wsea – Planning Scheme Review Implementation of Council’s decision.**

# Background / Key Information

**Planning Scheme Reviews 2018 and 2022**

Section 12B of the *Planning and Environment Act 1987* (the Act) requires that Council review its planning scheme every four years, within a year of adopting a Council Plan. The purpose of regular planning scheme reviews is to ensure planning schemes remain relevant in guiding Council’s decision-making in relation to land use planning and development outcomes.

Council officers last undertook a comprehensive PSRwas undertaken in 2018, with the outcomes documented in the *Planning Scheme Review 2018* report. The 2018 PSR found that the WPS is operating effectively but made 37 recommendations to update and further improve the efficiency and efficacy of the scheme. A subsequent, minor review of the scheme was undertaken by Council officers in 2022, which primarily reviewed the implementation of recommendations made by the 2018 PSR.

The 2018 PSR recommendations continue to be progressively implemented via a series of planning scheme amendments. Nearly all of these recommendations have been implemented or are being implemented, through a variety of projects.

The next PSR is due to commence following adoption of the next Council Plan and will be presented to a Council meeting a year after its adoption. This review will be an opportunity to identify actions from Integrated Planning Framework strategies, such as the Liveable Neighbourhoods Strategy, for translation into the scheme and to review the operation of the scheme and make updates, for example, to the urban design local policy.

**Authorisation of Amendment C249**

At its meeting on 27 June 2023, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit the Amendment.

As part of the normal authorisation process, DTP reviewed the Amendment documentation to determine its suitability for authorisation and exhibition. As a result, the Minister for Planning authorised the Amendment with conditions requiring changes to the amendment. These were policy-neutral changes to the Amendment, primarily to:

* Consistency with the *Ministerial Direction – The form and content of planning* *schemes* and DTP amendment templates.
* Avoid duplication with state policy in the scheme.

It is usual practice to make changes of this nature to amendments in consultation with DTP, who are responsible for ensuring consistency of planning schemes across Victoria.

Additionally, after discussions with DTP, it was decided to shift all changes to the Medical centres local policy initially included in this Amendment (C249) to Amendment C275, which seeks to make changes to this and other local planning policies. This change was considered logical given the ‘local policy’ focus of Amendment C275 and the fact that they were to be exhibited concurrently.

Attachment 6 summarises, at an overview level, the changes made since the Amendment was last presented to Council, which were made in response to the conditions of authorisation and requests by DTP.

**Difference between Amendment C249 and concurrently exhibited Amendment C275**

Amendment C249 was exhibited concurrently with Amendment C275. Both amendments implement recommendations made by the 2018 and 2022 PSRs.

Amendment C249 – Planning Scheme Review Implementation – primarily makes policy-neutral updates to the MPS and other maintenance-based changes to mapping and Schedules of zones and overlays. The MPS incorporates the vision and objectives of Council's strategies, plans, policies and responses to provide more overarching direction in managing land use and development. These changes are relatively broad and administrative in nature noting that they generally implement adopted Council strategies.

By contrast, Amendment C275 implements a different, discrete recommendation made by the PSRs, to update three local planning policies in the PPF. These local planning policies provide guidance for decisions on specific development being; display homes, materials recycling centres and medical centres local planning policies.

It was therefore considered appropriate to deal with the implementation of the recommendation of the PSR to update local policies in a separate amendment, being Amendment C275 and consolidate the changes to the MPS and other administrative updates in (this) Amendment C249.

**Summary of Amendment C249**

Amendment C249 proposes to update the WPS to address a range of recommendations made by the 2018 and 2022 reviews and the Council Plan 2021. The Amendment will ensure the WPS is consistent with current practice and community expectations and will improve its usability.

The Amendment makes the changes to the WPS including to its ordinances, mapping and introduce new local planning policy in respect to Cooper Street West.

The tracked changes copies of schedules at attachments 1 shows all changes proposed by the Amendment. The red strikethrough text and pictures depict existing material to be deleted and the green text and pictures depict new material inserted by this Amendment.

The mapping changes made by the Amendment are included attachment 2 respectively. Attachments 1 and 2 show the version of the Amendment that was formally exhibited.

In summary, the Amendment ensures the WPS aligns with adopted Council strategies and plans to deliver environmental, economic, social and cultural outcomes through:

* Updates to the MPS to include sections on Climate Change and new sustainability considerations.
* Minor amendments to local policies to ensure consistency with the Council-endorsed plans and strategies listed above.
* Updates to the local policy framework to better address the environmental value of water courses.
* Updates to the MPS to acknowledge the Taungurung People as one of the two Traditional Owner group within the municipality.
* Inclusion of the dry-stone wall thematic study.
* Encouragement of the circular economy.
* Recognition of the City of Whittlesea’s two State significant waste and resource recovery hubs as important sources of employment to the municipality.
* Introduction of the Cooper Street West local policy, that guides development within industrial land, described in detail above.

Planning Scheme Ordinances

Specifically, the Amendment seeks to alter the following WPS ordinances:

* Amends the MPS at Clauses 02.01 (Context), 02.02 (Vision) and 02.03 (Strategic Directions) to incorporate outcomes from the Council Plan 2021 and other adopted council strategies and policies.
* Amends local policy at Clauses 11.01 (Victoria), 11.03 (Planning for Places), 12.01 (Biodiversity), 15.01 (Built Environment), 15.03 (Heritage), 16.01 (Residential Development), 17.01 (Employment), 17.03 (Industry), 19.02 (Community Infrastructure), and 19.03 (Development Infrastructure) to reference adopted plans and policy documents, makes changes to improve consistency and readability and delete redundant policies.
* Amends the following schedules to zones to improve readability, make corrections and other changes identified from the 2018 and 2022 PSRs:
  + Schedule to Clause 35.05 (Green Wedge A Zone).
  + Schedule 4 to Clause 37.02 (Comprehensive Development Plan).
  + Schedules 3, 4, 5, 6 and 7 to Clause 37.07 (Urban Growth Zone).
* Deletes Schedule to Clause 35.06 (Rural Conservation Zone) and amends Schedule 1 to Clause 35.06 (Rural Conservation Zone) to merge the content and remove duplication.
* Amends Schedule to Clause 72.03 (What does this Planning Scheme consist of?) to remove reference to Map 15PAO to reflect the deletion of this Overlay at 605 O’Herns Road, Epping.
* Amends Schedule to Clause 72.08 (Background Documents) to include the following Council-endorsed documents referred to in the scheme:
  + Amended Cooper Street West Position Paper (Whittlesea City Council, October 2017).
  + Biodiversity Strategy 2019 – 2029 (Whittlesea City Council, June 2019)
  + Cooper Street Employment Area Design Guidelines (Whittlesea City Council, March 2018).
  + Stage Two Dry Stone Wall Study Thematic History and Precincts (David Moloney, August 2020).
  + Greening Whittlesea – City Forest Strategy 2020 – 2040 (Whittlesea City Council, April 2021).
  + Open Space Strategy: Technical Report (Thompson Berrill Landscape Design, August 2016).
  + Strong Local Economy 2022 – 2026 (Whittlesea City Council, February 2022)
  + Sustainable Environment Strategy 2022 – 2032 (Whittlesea City Council, November 2022).
  + Thomastown Industrial Area Plan 2018 – 2038 (Whittlesea City Council, March 2018).
  + Whittlesea 2040: A Place for All (Whittlesea City Council, September 2022)
  + Whittlesea Water for All: Our Water Strategy 2020 – 2030 (Whittlesea City Council, December 2020).

Mapping changes

Specifically, the Amendment makes changes to the following maps in the WPS:

* Updates the Planning Scheme Maps 04, 05, 11, 12 and 17 to amend the Rural Conservation Zone Schedule 1 to remove duplication.
* Updates the Planning Scheme Maps 01, 02, 05, 06 and 07 renaming the Green Wedge Zone Schedule to the Green Wedge Zone Schedule 1.
* Deletes the Public Acquisition Overlay Schedule 4 at 605 O’Herns Road on Planning Scheme Map 15, which is no longer required.

Cooper Street West Local Policy

Amendment C249 introduces a new local policy at 17.03-1L to reflect the key directions from the Cooper Street West Position Paper (Position Paper), amended document adopted by Council in October 2017.

Cooper Street West is part of the broader Cooper Street Employment Area, which is a regionally and State-significant employment precinct. The Position Paper facilitates preferred land-use outcomes in the Cooper Street West precinct, which had lacked strategic planning guidance and includes a range of current and historic land uses and land-use constraints that require consideration at the development application stage.

The Position Paper was made available for public comment in April 2016 and received general support for Council’s proposed land use and development outcomes for the precinct.

The new local policy introduced by Amendment C249 reflects the key outcomes sought by the adopted October 2017 version of the position paper, through strategies, policy guidelines and documents that:

* Facilitate appropriate land use and development that are compatible with its status as a state-significant waste and resource recovery hub.
* Support the implementation of the marran babba (Merri Creek) Regional Parkland Future Directions Plan.
* Facilitate development that addresses on-stie environmental risks and enhances and protects environmental, landscape and heritage values.
* Support subdivision layouts that create both a north-south and east-west road network and varying allotment sizes to allow for a variety of industrial and employment uses.
* Provide for appropriate interfaces along the key road frontages of the Hume Freeway and Cooper Street.

The Amendment does not change the underlying zone of land in the Cooper Street West precinct, but ensures that guidance provided in the WPS aligns with the existing waste and resource recovery land uses in the precinct, the endorsed Position Paper and State Government policy. Therefore, the Amendment will have limited impact on the existing development opportunities in the precinct, but rather strengthens the support for preferred uses and more clearly identifies the key issues that need to be addressed as part of future applications.

Other changes

Please note that two State Government led amendments have been gazetted since the exhibition of Amendment C249. The updated clauses at attachment 1 include changes made by these State Government Amendments, in addition to those which are being made by Amendment C249.

**Exhibition of Amendment C249**

Amendment C249 was publicly exhibited from 25 June – 16 August 2024 in accordance with the requirements of the Act. As noted above, this amendment was exhibited concurrently with Amendment C275, which was also implements recommendations of the 2018 and 2022 PSRs.

In summary, Amendment C249 was advertised through:

* The *Engage Whittlesea* webpage.
* The *Whittlesea Review* and the *Northern Star Weekly.*
* Posts on the City of Whittlesea Facebook account.
* Targeted written notices to directly affected landowners and occupiers.
* An advertisement in the *Government Gazette*.

The community was able to access the Amendment documents electronically via the DTP Planning Scheme Amendments website or as a hard copy at Council offices.

Council officers developed a list of landowners, occupiers and other stakeholders that may be materially affected by Amendment C249, which include:

* Development companies with interest in land affected by the changes to Urban Growth Zone Schedules relating to the timing and quantum of development contributions payable on land. This change applies to undeveloped properties that are yet to pay their development contributions.
* The owner of 605 O'Herns Rd, Epping, from which the Public Acquisition Overlay Schedule 4 was removed.
* Key stakeholders, community groups, State Government departments and referral authorities, as per the requirements of the Act, were directly notified.

Given Amendment C249 proposes changes to parts of the scheme that apply to the entire municipality, all landowners and occupiers are potentially affected by the Amendment. Additionally, the Amendment makes changes to several schedules to the Urban Growth Zone, which at the time of exhibition affected 10,438 properties. While the Act requires direct notification of an amendment to affected properties and stakeholders, it does also provide an exemption where the number of owners/occupiers makes it impractical to notify them all.

In consultation with DTP it was considered that given the nature of the Amendment, that it would be impractical and excessive to provide direct notification to all landowners and occupiers. As such notification was targeted as detailed above, however any potentially affected party was able to lodge a submission.

**Submissions to Amendment C249**

Interested parties were able to make submissions by email, post or via the Engage Whittlesea webpage.

Three submissions were received during the exhibition period, summarised as follows:

* Submission 1: This submission was received from the Department of Energy, Environment and Climate Action. The submission noted the Amendment and did not raise any objection.
* Submission 2: This submission was received from representatives of Hanson’s Quarry at 45 Bridge Inn Road, Wollert. This submission covered both Amendment C249 and the concurrently exhibited Amendment C275. The site was affected by the following changes in Amendment C249 to various sections of the WPS including: Clause 02.01 Context, Clause 02.03 Strategic Directions, Clause 11.01-1L Green wedge areas, Clause 37.03 Urban Growth Zone – Schedule 5 and the Schedule to Clause 72.08 Background documents.

After Council officers agreed to support a minor change to Amendment C275 the submission was withdrawn. This matter is discussed in more detail in the Council report for Amendment C275.

It should be noted that some of the changes proposed by the Amendment were welcomed by the submitter, including the recognition of State waste and resource recovery hubs and the encouragement of the circular economy. No change was therefore required to Amendment C249 to resolve this submission.

* Submission 3: A submission was received from DaHua, a large residential developer and landowner in Council’s growth areas. The amendment to the Urban Growth Zone Schedules impacts several properties owned by DaHua. Two specific issues were raised by the submission, one of which was relevant to Amendment C249.

The submitter was concerned about changing the Bushfire Management Plan (BMP) from a mandatory condition of a Planning Permit to a mandatory application requirement. It was explained that by frontloading this requirement to the permit application phase, any design requirements could be accommodated at the commencement of the planning permit process, rather than at the later stage as a condition of permit.

This will resolve the issues early, rather than needing to make costly and time-consuming changes after the planning permit is issued. Please note that in either scenario a BMP must be submitted and approved.

The submission also raised issues in relation to a current a Section 173 Agreement negotiation process, involving the payment of developer contributions. This was unrelated to the Amendment. Following discussions with DaHua, the submitter was satisfied with responses provided by Council officers in relation to both issues, and this submission was withdrawn.

The submissions and officer response are summarised at attachment 4.

In summary, there were no changes made to the Amendment arising from the exhibition process.

**Next Steps**

As per the Planning Scheme Amendment process shown in Attachment 5, given that there are no outstanding submissions in relation to the Amendment, the Amendment can be considered for adoption by Council.

This report recommends that Council adopts the Amendment in accordance with the planning provisions and maps at attachments 1 and 2 of this report and subsequently submits the adopted Amendment to the Minister for Planning for approval.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Connected Communities**  
We work to foster and inclusive, healthy, safe, and welcoming community where all ways of life are celebrated and supported.

**Liveable Neighbourhoods**  
Our City is well-planned and beautiful, and our neighbourhoods and town centres are convenient and vibrant places to live, work and play.

**Strong Local Economy**  
Our City is a smart choice for innovation, business growth and industry as well as supporting local businesses to be successful, enabling opportunities for local work and education.  
**Sustainable Environment**  
We prioritise our environment and take action to reduce waste, preserve local biodiversity, protect waterways, and green space and address climate change.

The Amendment implements this goal by ensuring adopted Council strategies and plans are reflected in the WPS. The Amendment also updates the MPS to include a new section on planning strategies to respond to climate change.

# Considerations of *Local Government Act (2020)* Principles

Financial Management

The fee associated with submitting the amendment to the Minister for Planning for approval is within the current budget.

Community Consultation and Engagement

Council officers have conducted the public exhibition of Amendment C249 in accordance with Section 19 of the Act, as discussed above. Consequently, communication and engagement undertaken during the formal exhibition period was also in accordance with the *Local Government Act 2020*. For additional information on the consultation undertaken, please refer to the consultation section below.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

(a) Council decisions are to be made and actions taken in accordance with the relevant law.

(b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

(c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

(d) The municipal community is to be engaged in strategic planning and strategic decision making.

(i) The transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

(b) Council information must be publicly available unless—

(i) the information is confidential by virtue of the *Local Government Act* or any other Act; or

(ii) public availability of the information would be contrary to the public interest.

(c) Council information must be understandable and accessible to members of the municipal community.

(d) Public awareness of the availability of Council information must be facilitated.

# Council Policy Considerations

Environmental Sustainability Considerations

The Amendment reflects Council-endorsed priorities from endorsed strategies and plans in the WPS.

Social, Cultural and Health

The proposed Amendment will have no direct impact on social or health issues within the municipality. However, it may have indirect public health benefits, for example, through the supporting ‘Greening Whittlesea’ initiatives.

Economic

The proposed amendment will have indirect economic benefits by improving planning decisions in relation to industrial employment land within the municipality. It is also anticipated that the improved useability of the provisions which in turn will provide greater clarity and certainty to support investment in the municipality.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

Submitters to the amendment will be advised of the outcomes of Councils decision.

Council’s Engage webpage will also be updated to note the updated status of the Amendment.

Critical Dates

The following are critical dates relevant to the processing of this Amendment:

* Council Meeting to resolve to commence Amendment C275 – 27 June 2023.
* Authorisation to prepare and exhibit Amendment C275 – 12 January 2024.
* Exhibition of Amendment C275 – 5 June to 16 August 2024.
* Council Meeting to consider exhibition outcomes – 18 February 2025.
* Following Council meeting, officers will submit the Amendment to the Minster for Planning for approval and inform submitters of Council’s decision.

# Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020*officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

# Attachments

1. Amendment C249wsea - Updated Whittlesea Planning Scheme clauses - no tracked changes [**5.3.1** - 79 pages]
2. Amendment C249wsea - Updated Whittlesea Planning Scheme maps [**5.3.2** - 10 pages]
3. Amendment C249wsea - Updated Whittlesea Planning Scheme clauses - tracked changes [**5.3.3** - 218 pages]
4. Summary of Submissions and Officer Response Table - Amendment C249wsea - Planning Scheme Review implementation [**5.3.4** - 1 page]
5. Planning Scheme Amendment Statutory Process [**5.3.5** - 1 page]
6. Table of Changes - Amendment C249wsea - Planning Scheme Review implementation [**5.3.6** - 7 pages]

5.4 Planning Scheme Amendment C275 – Local Planning Policies Update - Exhibition Outcomes and Request for Appointment of Planning Panel

**5.4 Planning Scheme Amendment C275 – Local Planning Policies Update - Exhibition Outcomes and Request for Appointment of Planning Panel**

**Director/Executive Manager:** Director Planning & Development

**Report Author:** Strategic Planner

**In Attendance:** Manager Strategic Futures  
Coordinator Planning Policy & Implementation  
Strategic Planner

# Executive Summary

This report discusses the outcomes of the public exhibition of Planning Scheme Amendment C275wsea – Local Policies Update (Amendment C275) which updates three local planning policies in the Whittlesea Planning Scheme (WPS). The report recommends the appointment of an independent Planning Panel to consider an unresolved submission to Amendment C275.

Amendment C275 seeks to update three existing local policies within the WPS, to implement recommendations of the Planning Scheme Reviews (PSR) undertaken in 2018 and 2022. Specifically, the Amendment updates the Display homes, Material recycling centres, and Medical centres local policies. The updated local planning policy clauses are included at attachment 1. A track changes version showing all changes proposed to the current, operational version of the WPS is included at attachment 2.

At its meeting on 19 December 2023, Council resolved to seek authorisation from the Minister for Planning to commence the amendment process.

Ministerial authorisation was provided on 8 April 2024, on the condition some administrative updates to the drafting of the proposed Amendment, required by the Department of Transport and Planning (DTP), were made prior to exhibition.

Amendment C275 was publicly exhibited from 25 June until 16 August 2024, concurrently with Planning Scheme Amendment C249 – Planning Scheme Review (Amendment C249), which similarly implements recommendations of the 2018 and 2022 PSRs. Amendment C249 is being considered as a separate item on this Council agenda.

Six submissions were received during the exhibition period and are described in more detail in the body of the report.

Council officers engaged with submitters to resolve submissions received. As a result of this process officers are recommending one minor change to the exhibited Amendment documents, which is identified by a comment in attachment 2. One submission remains unresolved because the submitter did not respond to multiple attempts to make contact. The submissions and officer’s response are summarised at attachment 3.

Amendment C275 is being presented to Council for a decision to allow the Amendment to progress to an independent Planning Panel for its review of the submissions. Attachment 4 outlines the status of Amendment C275 in the planning scheme amendment process.

Noting the above, it is recommended that Council request that the Minister for Planning appoint a Planning Panel for Amendment C275. Further it is recommended that Council note the Amendment documents included at attachment 1 as Council’s preferred drafting of the Amendment documents for the Panel process. The outcomes of the Panel process will be presented at a future Council meeting to be considered as part of Council’s final decision on Amendment C275.

# Officers’ Recommendation

**THAT Council:**

1. **Request the Minister for Planning appoint an Independent Planning Panel to consider submissions made in relation to proposed Amendment C275wsea – Local Policies Update to the Whittlesea Planning Scheme.**
2. **Note that for the purposes of submissions to the Planning Panel on Amendment C275wsea – Local Policies Update, the Councils preferred Amendment documents should be generally in the form of the exhibited documents at attachment 1.**
3. **Note the outcomes any independent Planning Panel process for Amendment C275wsea – Local Policies Update will be reported at a future Council meeting to make a final decision on the Amendment.**
4. **Advise submitters to Amendment C275wsea – Local Policies Update of Council’s decision.**

# Background / Key Information

**Planning Scheme Reviews 2018 and 2022**

Section 12B of the *Planning and Environment Act 1987* (the Act) requires that Council review its planning scheme every four years, within a year of adopting a Council Plan. The purpose of regular planning scheme reviews is to ensure planning schemes remain relevant in guiding Council’s decision-making in relation to land use planning and development outcomes.

Council officers last undertook a comprehensive planning scheme review (PSR) in 2018, with the outcomes documented in the *Planning Scheme Review 2018* report. The 2018 PSR found that the WPS is operating effectively, but made 37 recommendations to update and further improve the efficiency and efficacy of the scheme. A subsequent, minor review of the scheme was undertaken by Council officers in 2022, which primarily reviewed the implementation of recommendations made by the 2018 PSR.

The WPS includes local planning policies which support state planning policy to guide development in the City of Whittlesea. Of the 15 local planning policies in the WPS at the time of the 2018 PSR, it was recommended that five required updating to ensure they remained ‘up to date’ and ‘fit for purpose’.

Of the other 10 local planning policies:

* Four had only recently be prepared;
* Four had been recently reviewed; and
* Two were no longer relevant and were deleted as part of Amendment C249 (Clause 19.03-4L - Satellite dishes and Clause 19.03-4L - Telecommunications conduits).

Amendment C275 implements the recommendation to update three of the five local planning policies which were recommended for review. These policies are:

* Display homes;
* Materials recycling centres; and
* Medical centres.

The remaining two local planning policies - the Development and infrastructure contributions and Industrial development local policies, are currently being reviewed and updated as part of separate processes.

The need to review the three local planning policies subject to Amendment C275 was based on a combination of feedback from statutory planning officers, a review of relevant Victorian Civil and Administrative Tribunal (VCAT) decisions, and in the case of the Materials recycling centres specifically, advice and regulatory changes from the Environment Protection Authority (EPA).

The intent of local planning policies is to assist and guide decision making where a planning permit is required by the planning scheme. The local policies work with other parts of the planning scheme to ensure that decisions align with broader planning objectives.

The next PSR is due to commence following adoption of the next Council Plan and will be presented to a Council meeting a year after its adoption. This review will be an opportunity to identify actions from Integrated Planning Framework strategies, such as the Liveable Neighbourhoods Strategy, for translation into the scheme and to review the operation of the scheme and make updates, for example, to the urban design local policy.

**Authorisation of Amendment C275**

At its meeting on 19 December 2023, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit the Amendment.

As part of the normal authorisation process, DTP reviewed the Amendment documentation to determine its suitability for authorisation and exhibition. As a result, the Minister for Planning authorised the Amendment with conditions requiring policy-neutral changes primarily to:

* Ensure consistency with the *Ministerial Direction – The form and content of planning* *schemes* and DTP amendment templates.
* Avoid duplication with state policy in the scheme.

It is usual practice to make changes of this nature to amendments in consultation with DTP, who are responsible for ensuring consistency of planning schemes across Victoria.

Additionally, after discussions with DTP, it was decided to shift all changes to the Medical centres local policy initially included in this Amendment (C249) to Amendment C275, which seeks to make changes to this and other local planning policies. This change was considered logical given the ‘local policy’ focus of Amendment C275 and the fact that they were to be exhibited concurrently.

Attachment 5 summarises, the changes made since the Amendment was last presented to Council, which were made in response to the conditions of authorisation and requests by the Department of Transport and Planning.

**Difference between Amendment C275 and concurrently exhibited Amendment C249**

Amendment C275 was exhibited concurrently with Amendment C249. Both Amendments implement recommendations made by the 2018 and 2022 PSRs.

Amendment C275 implements a discrete recommendation made by the 2018 PSR, to update three local planning policies in the Planning Policy Framework.

These local planning policies provide guidance for decisions on specific development being; display homes, materials recycling centres and medical centres local planning policies.

By contrast, Amendment C249 – Planning Scheme Review Implementation – primarily makes policy-neutral updates to the MPS and other maintenance-based changes to mapping and Schedules of zones and overlays. The MPS incorporates the vision and objectives of Council's strategies, plans, policies and responses to provide more overarching direction in managing land use and development. These changes are relatively broad and administrative in nature noting that they generally implement adopted Council strategies.

**Overview of Amendment C275 -– Local Policies Update**

The proposed Amendment updates three local policies; Display homes, Materials recycling centre and Medical centres, which required updating to align with current State Government policy, recent VCAT decisions and community expectations. The proposed drafting changes are summarised briefly in the following sections and included in full at attachment 1.

Display homes

The key issues addressed through the updates to the Display homes local policy include the preference to locate them closer to the development site to which they relate, to minimise traffic and other impacts on residents. Further, the policy encourages consideration of the design and use of display homes so they can transition to a residential use once they are no longer required as a display home.

This is being implemented by the addition of two new policy objectives, a new strategy and policy guideline and referencing two additional policy documents. These changes will ensure that relevant location, design, landscape, and traffic issues are duly considered by planners when assessing a planning permit application for display homes.

Medical centres policy

The proposed updates to this local policy have been primarily informed by several VCAT decisions in relation to medical centres, which relate to potential negative amenity impacts such as noise, emissions of storage of waste and incorporation of ancillary uses, such as chemists, so that they are integrated with the primary use.

Additionally, several other issues relating to built form and traffic management were raised through internal consultation with Council’s Building and Planning Department and informed updates made by the Amendment to assist Council planners achieve outcomes through the planning permit process that are aligned with Council policy.

Many of the proposed changes are consistent with the local planning policy for child care centres where relevant, which improves consistency of policy in the WPS.

Materials recycling centres policy

The proposed changes to this policy have been informed by feedback from Council officers and the EPA. The proposed drafting changes to the local planning policy primarily address potential negative visual and other amenity impacts associated with materials recycling centres, such as the creation of dust, emissions and ensuring that recycled materials are contained within a particular subject site. Additionally, the EPA advised that the policy should reflect updated regulatory documents.

The proposed drafting changes will provide greater guidance in respect to the preferred location of materials recycling centres and improved management of amenity impacts and land use outcomes. Amenity management issues, including noise, air quality including dust suppressant management, traffic and car parking, visual appearance and site maintenance, and hours of operation have also been addressed.

The tracked changes copies of the local policies are included at attachment 2. This attachment shows all changes proposed to the Amendment, including all exhibited changes, and a single change made in response to a submission from the exhibition process (detailed below). The red strikethrough in the text identifies the existing drafting to be deleted and the green text depicts new drafting to be included by this Amendment.

Note, implications to this Amendment of the State Government Amendment recent VC237, which replaces references to superseded state and regional waste and resource recovery plans with the new Victorian Recycling Infrastructure Plan in all Victorian planning schemes will be assessed as part of DTP’s usual review as part of the authorisation process.

**Exhibition of Amendment C275**

Amendment C275 was publicly exhibited from 25 June – 16 August 2024 in accordance with the requirements of the Act. As noted above, this Amendment was exhibited concurrently with Amendment C249, which was also implements recommendation of the 2018 and the 2022 PSRs.

In summary, the Amendment C275 was advertised through:

* The Engage Whittlesea webpage.
* The Whittlesea Review and the Northern Star Weekly.
* Posts on the City of Whittlesea Facebook account.
* An advertisement in the Government Gazette.
* Direct written notification to volume buildings, medical centres registered with Council and materials recycling centres registered with Council.

The community was able to access the Amendment documents electronically via the DTP Planning Scheme Amendments website or as a hard copy at Council offices.

Direct notice was provided to specific stakeholders most likely to be impacted by the changes to the local policies. These included:

* Development companies, as they are most likely to be affected by changes to the Display homes local policy.
* Medical centres registered on Council’s business directory.
* Operators of existing material recycling centres registered on Council’s business directory.
* The EPA, the CFA, and Fire Safety Victoria as a stakeholder in relation to the materials recycling facilities local policy.
* Adjoining municipalities.

Given Amendment C275 proposes changes to parts of the WPS which apply to the entire municipality, all landowners and occupiers are potentially affected by the Amendment. While the Act requires direct notification of an amendment to affected properties and stakeholders, it does also provide an exemption from where the number of owners/occupiers makes it impractical to notify them all. In consultation with DTP it was considered that given the nature of the Amendment, that it would be impractical and excessive to provide direct notification to all landowners and occupiers. As such notification was targeted as detailed above, however any potentially affected party was able to lodge a submission.

**Submissions to Amendment C275**

Six submissions were received during the exhibition period. The submissions and officer responses are detailed in attachment 3 and summarised below:

* Submission 1: This submission raised issues that were not relevant to the proposed Amendment. The submission outlined that too many resources were being allocated to the growth areas and not enough were being allocated to Bundoora. Furthermore, the submission did not include a name or contact details. For these reasons, it was not considered a valid submission relevant to the Amendment.
* Submissions 2 and 4: These submissions expressed support for the proposed Amendment and did not request any changes.
* Submission 3: This submission outlined multiple issues with the proposed changes to the Medical centres local policy and remains unresolved. Issues raised by the submission primarily relate to built form, setbacks and site layout. The submission contends these changes may add to development costs and do not provide for adequate discretion.

A detailed response to each of the issues raised is included at attachment 3.

Council officers have made numerous unsuccessful attempts to contact the submitter via phone, email, and letter. As Council officers have been unable to communicate with the submitter, the submission remains unresolved and therefore must be referred to Planning Panels Victoria, in accordance with the requirements of the *Planning and Environment Act 1987* (Act). The submitter will be contacted by Planning Panels Victoria and given an opportunity to have his submission heard at a Panel hearing.

* Submission 5: This submission was received from representatives of Hanson Quarry and Landfill and provided comment in respect to both Amendment C249 and C275. The submission did not object to Amendment C249, but requested the following change to the Materials recycling centre local policy (change proposed by submitter shown in the underlined text):

“Avoid locating materials recycling centres:

* On Green Wedge land (other than in a State waste and resource recovery hub).”

State waste and resource recovery hubs are defined and identified by the Statewide Waste and Resource Recovery Infrastructure Plan, 2018 (SWRRIP).

Council officers recommend that this policy-neutral change be supported. The change provides clarification in the application of the local planning policy and ensures that materials recycling continues to be supported in an existing waste and resource recovery hub. The submitter was informed that a final decision on this change of endorsed by Council, will be at the discretion of the Minster for Planning.

This change is identified by a comment in attachment 2.

* Submission 6: This submission raised several issues in relation to the Materials recycling centres local policy, which have been outlined in detail within attachment 3.
* This includes recommending that the buffers are protected from sensitive land uses establishing within them, recognition that the ‘agent of change’ principle and writing an exemption into a strategy that encourages processing to occur within buildings.

Following discussion advice provided by DTP, Council officers advised the submitter that Amendment C275 was not the appropriate pathway to achieving the outcomes sought by their submission and would represent a significant change to the amendment without appropriate consultation. Following these discussions, the submission was subsequently, formally withdrawn. No further action is required to address this submission.

Next Steps

Of the six submissions received, all except from one have been resolved. It is recommended that the Amendment proceeds to the next stage of the process, being the Planning Panel process. As such the report recommends that Council seeks approval from the Minister for Planning to convene an independent Planning Panel, to consider the unresolved submission to the Amendment.

For the purposes of Council’s submissions to the Planning Panel, it is recommended that Councils support the form of Amendment documents at attachment 1 which are the exhibited version of the Amendment plus the one change proposed in response to submissions.

The outcomes of any Planning Panel process will be reported back to a future meeting of Council to inform a final decision on the Amendment.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Strong Local Economy**  
Our City is a smart choice for innovation, business growth and industry as well as supporting local businesses to be successful, enabling opportunities for local work and education.

The Amendment support economic activity by updating the local planning policy to support the establishment of new businesses and provide clear guidance on Council’s expectations in respect to their location and design.

**Liveable Neighbourhoods**

Liveable Neighbourhoods Our City is well-planned and beautiful, and our neighbourhoods and town centres are convenient and vibrant places to live, work and play.

The updated local planning policy will ensure that new display homes, medical centres and material recycling centres are appropriately located and well-designed which will protect and enhance the amenity of neighbourhoods for local residents.

# Considerations of *Local Government Act (2020)* Principles

Financial Management

Should the Amendment proceed to a Planning Panel hearing, the likely cost to Council would be in the order of $5,000 – $10,000 which is included in Councils operational budget.

Community Consultation and Engagement

Council officers have conducted the public exhibition of Amendment C275 in accordance with Section 19 of the Act, as discussed above. Consequently, communication and engagement undertaken during the formal exhibition period was also in accordance with the *Local Government Act 2020*.

As noted above, exhibition occurred from 25 June until 16 August 2024. The Amendment documents were available in hard copy at Council offices and online via DTP’s amendments online website. Interested parties were able to make submissions by email, post or via the submission page on the Engage Whittlesea webpage. As noted above six submissions were received which have been discussed in this report.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

1. Council decisions are to be made and actions taken in accordance with the relevant law.
2. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
3. The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.
4. The municipal community is to be engaged in strategic planning and strategic decision making.

Public Transparency Principles

(c) Council information must be understandable and accessible to members of the municipal community

(d) Public awareness of the availability of Council information must be facilitated.

# Council Policy Considerations

Environmental Sustainability Considerations

The proposed Amendment seeks to improve guidance to users of the scheme on matters, including environmental impact.

Many of the proposed changes seek to minimise potential negative impacts of the three uses on amenity, through the provision of vegetation, screening and onsite waste management practices.

Social, Cultural and Health

The proposal will have no impact upon social, or cultural issues within the municipality. However, the proposal may have indirect public health benefit (particularly the Materials recycling centres local policy) because of improved management of potential negative amenity impacts. Additionally, the policies also aim to facilitate services within walking distances of dwellings which will have a public health benefit.

Economic

The proposal will have intangible economic benefits, by improving planning outcomes in the municipality. It is also anticipated that the improved useability of the provisions will support investment in the municipality, albeit indirectly.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

Should a review by Planning Panels Victoria be required, submitters to the proposed Amendment must be notified of Council’s decision to convene an Independent Planning Panel.

All submitters will be notified of Council’s decision. Furthermore, all submitters will be advised of the date of the Panel hearing by Planning Panels Victoria, if convened.

Council’s Engage webpage will also be updated to note the updated status of the Amendment.

Critical Dates

The following are critical dates relevant to the processing of this Amendment:

* Council Meeting to resolve to commence Amendment C275 – 19 December 2023.
* Authorisation to prepare and exhibit Amendment C275 – 8 April 2024.
* Exhibition of Amendment C275 - 5 June to 16 August 2024.
* Council Meeting to consider exhibition outcomes – 18 February 2025.
* Pre-set Directions Hearing – week commencing 17 March 2025.
* Panel Hearing – week commencing 14 April 2025.
* Report back to Council with the outcomes of Panel and recommendations on the Amendment and final decision on the Amendment C275, following receipt of the Panel report.

# Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020*officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

# Attachments

1. Amendment C275 - Proposed local planning policy clauses - clean version [**5.4.1** - 6 pages]
2. Amendment C275 - Proposed local planning policy clauses - with tracked changes [**5.4.2** - 6 pages]
3. Summary of Submissions and Officer Response Table - Amendment C275 [**5.4.3** - 6 pages]
4. Planning Scheme Amendment Statutory Process [**5.4.4** - 1 page]
5. Table of changes post Council adoption for exhibition - Amendment C275 - Local policies update [**5.4.5** - 11 pages]

5.5 Amendment to Rural Residential Precinct 4a Outline Development Plan - Council Decision

**5.5 Amendment to Rural Residential Precinct 4a Outline Development Plan - Council Decision**

**Director/Executive Manager:** Director Planning & Development

**Report Author:** Senior Strategic Planner

**In Attendance:** Manager Strategic Futures   
Coordinator Strategic Land Use Planning

# Executive Summary

The purpose of this report is to discuss the assessment of a proposed amendment to the *Rural Residential Precinct 4A Outline Development Plan Part 1, March 2017 Amended* (the Development Plan). The amendment proposes subdivision, and construction of a dwelling at 126 Ridge Road, Whittlesea.

The proponent has submitted the application despite being previously advised in writing by Council officers that the proposed amendment to the Development Plan is not supported by the relevant strategic planning framework, relevant statutory planning policy, or by Council policy.

The Development Plan applies to a low-density residential precinct which is located on the eastern edge of Whittlesea Township, adjacent to the forested catchment for Yan Yean Reservoir.

Bushfire planning policy has been a significant consideration in the assessment of the proposal, noting that in bushfire affected areas the decision making of planning and responsible authorities must prioritise the protection of human life over all other policy objectives or issues. From a settlement planning perspective, there is no support in the planning scheme for directing additional housing growth to this location, particularly noting that the area is identified as under threat from environmental risks, and the potential for the decision to set a precedent for further applications for additional dwellings in areas of bushfire risk. In accordance with bushfire and settlement planning policy, the proposal cannot be refined or renegotiated to comply – it must be refused.

Neighbourhood design has been considered in the assessment. The proposed amendment seeks to achieve infill development that fails to respond to the existing neighbourhood character.

The subject precinct and surrounding areas have developed over time under Outline Development Plans approved in accordance with the *Whittlesea Township Local Structure Plan 1994* and the Whittlesea Planning Scheme.

The existing neighbourhood character has developed under this subdivision and development framework, which is designed to protect natural landscape features and the environment. With respect to the protection of the environment, the proposal also fails to provide sufficient evidence to support the response to managing household wastewater and the significantly reduced area proposed for effluent disposal.

Noting the planning considerations above, the report recommends that Council refuse the proposed amendment to the Development Plan due to non-compliance with settlement and bushfire planning considerations, and urban design policy in the Whittlesea Planning Scheme.

# Officers’ Recommendation

**THAT Council:**

1. **Refuse the proposed amendment to the Rural Residential Precinct 4A Outline Development Plan Part 1, March 2017 (Amended) as detailed in Attachment 4, on the following grounds:**
2. **The proposal does not meet the requirements of the Development Plan Overlay Schedule 2 (Whittlesea Rural Residential Area) at Clause 43.04 of the Whittlesea Planning Scheme.**
3. **The proposal is inconsistent with the Planning Policy Framework of the Whittlesea Planning Scheme, including Clauses 13.02-1S and 13.02-1L (Bushfire planning), and 15.01-5S (Neighbourhood character).**
4. **The proposal is inconsistent with the Whittlesea Township Local Structure Plan 1998, and the Whittlesea Township Plan 2021.**
5. **Authorise the Chief Executive Officer to appoint Council representation at any Victorian Civil and Administrative Tribunal hearing or pre-hearing practice days including compulsory conferences, conducted in respect to the Rural Residential Precinct 4A Outline Development Plan.**
6. **Advise the proponent of the Council’s decision.**

# Background / Key Information

**Site Context**

The subject site is 126 Ridge Road, Whittlesea (*refer Attachment 1*). The property is 1.82 ha, is located on the southern side of Ridge Road and is rectangular in shape. The site is oriented north-south with frontage of approximately 69.16 metres. A five-metre-wide municipal reserve affects the frontage of the site, for a distance of 59 metres. Street view images of the site are included at *Attachment 2*.

The land is within a Low Density Residential Zone on the eastern side of Whittlesea township, generally bounded by the forested catchment for Yan Yean Reservoir to the south and east, Whittlesea-Yea Road and green wedge zoned land to the north-west, a residential precinct of the Whittlesea Township to the west, and similar lots within the Development Plan area to the east and west *(refer Attachment 1*). The land is within a designated Bushfire Prone Area.

The Development Plan precinct comprises the triangular piece of land south of Ridge Road, north of the forest reserve boundary, and east of the boundary between residential properties in Masons Road and low density residential properties of Gullis Way.

To the north of Ridge Road are properties in the Low Density Residential Zone approved under separate Outline Development Plans for Precinct 4 and Precinct 4a (Part 2).

The Development Plan area provides for low density residential living, within topography affected by a significant slope from south to north (255 metres to 220 metres above ground level). The subject property at 126 Ridge Road is identified as Property 2 in the Development Plan, and provides a building envelope of 7709 sqm, and a 1801 sqm effluent envelope for disposal of household wastewater.

The site currently accommodates a single storey brick veneer dwelling with tiled roof, oriented across the site. There is an existing crossover located on the north-west side of the site, that is proposed to be retained.

**The Development Plan Process at City of Whittlesea**

The subject land is affected by a Development Plan Overlay (DPO), which is the principal planning tool applied to the older structure plan areas that originally converted rural land to urban use in Whittlesea Township, Mernda, Doreen, South Morang, Wollert, Epping, and Epping North. The Development Plan process is explained further at *Attachment 4* and the location of Development Plans in the planning document hierarchy is shown at *Attachment* 5.

*The Rural Residential Precinct 4A Outline Development Plan Part 1* (Development Plan) affects 23 landholdings and implements the requirements of the *Whittlesea* *Township Local Structure Plan 1994*. The Development Plan was first approved in 1998 and then amended in 2015 and 2017 (*refer Attachment 6)*.

To address the topography and other physical constraints of the precinct, the Development Plan provides a significant level of guidance on siting of development, allotment sizes, on-site wastewater management, access to Ridge Road and its upgrades, and landscaping.

**The proposed amendment to the Outline Development Plan**

The proposed amended Outline Development Plan (the draft Development Plan) was submitted in October 2024 (*refer Attachment 7).* The application included an updated plan only, without a tracked-changes version of the Development Plan text report.

The proposal does not accord with the current approved Development Plan and a planning permit cannot be issued for the proposal while the Development Plan is in its current form. The proponent has opted to instead apply to Council to amend the Development Plan which would enable a planning permit application to be considered for the proposed subdivision and additional dwelling.

The draft Development Plan provides a framework for the overall lot layout at 126 Ridge Road Whittlesea with development and effluent envelopes at scale, noting some but not all dimensions.

For information purposes only, architectural plans for the proposed subdivision and development were submitted, showing dimensions, vegetation, contour lines, easements and services. The proposed site plan is provided at *A*t*tachment 8*.

The proposal seeks to amend the approved Development Plan in relation to 126 Ridge Road to create a smaller lot of 4001.73 sqm, which would contain a proposed effluent envelope of 296.44 sqm and proposed development envelope for a future dwelling of 1213.65sqm (*refer Attachment 7*). The balance lot (containing the existing dwelling) would have an effluent envelope of 287.44sqm and development envelope of 5875.05sqm.

The subject site has undergone a Bushfire Attack Level (BAL) Assessment which determined it would be BAL 12.5. The BAL rating determines construction requirements to withstand ember attack and radiant heat in areas designated by the state government as having a high risk of bushfires. BAL 12.5 is the lowest rating available in a bushfire prone area and relates to a lower risk of radiant heat.

A Land Capability Assessment report dated July 2024 was submitted for the existing and proposed residences on site.

The purpose of a Land Capability Assessment (LCA) is to assess the capability of the site, sub-catchment, or catchment to sustainably utilise and manage wastewater. The approved Development Plan requires that wastewater is managed entirely within each lot boundary. Noting the size of the effluent envelope is substantially reduced in the proposed amendment, the submitted LCA considered a septic tank primary treatment. The treated water would then be applied to land via sub-surface trench irrigation.

**Background to the Strategic Planning Framework**

There are a number of strategic planning documents which apply to the subject site and precinct. A summary of the history to the strategic planning framework is provided below:

* On 12 September 1995, Council approved and later incorporated the *Whittlesea Township Local Structure Plan* into the Whittlesea Planning Scheme. Concurrently with the incorporation of the Local Structure Plan, 126 Ridge Road, Whittlesea and other nominated lots around the Whittlesea Township were rezoned for rural residential development to Low Density Residential Zone (LDRZ).
* On 2 June 1998, Council endorsed the *Rural Residential Precinct 4A Outline Development Plan Part 1* (Development Plan). The Development Plan sets out requirements for design, infrastructure, landscaping, effluent disposal, and siting of dwellings. Importantly, the Development Plan specifies one building envelope and effluent disposal field for each lot and restricts development to below the 240m contour line.
* The Development Plan was amended on 4 April 2000 to provide for one of the properties within the Development Plan precinct, 30 Ridge Road, to increase from six allotments to seven allotments.
* The Development Plan was amended on 5 October 2015, to provide for creation of an additional lot with construction of a dwelling within Property 2 of Mangalore Rise (to become 14 and 16 Mangalore Rise).
* The Development Plan was amended on 1 March 2017 to reduce the setback for the property at 16 Mangalore Rise (noted on the plan as 15 metres) to 10 metres.
* Amendment VC140 (state-wide planning scheme amendment) was approved 12 December 2017, to enable a resilient response to settlement planning for bushfires by inserting Clause 13 (Environmental Risks) in Victorian planning schemes. Clause 71.02-3 (Integrated decision making) was also amended to ensure that protection of human life is prioritised over all other policy considerations in areas subject to bushfire risk.

The insertion of these directive strategies to manage bushfire risk in planning and decision making delivered on the government’s commitment to strengthen community resilience to bushfire and delivered on the recommendations of the *2009 Victorian Bushfires Royal Commission*. Relevantly, the revisions require planning authorities and responsible authorities to:

* Prioritise the protection of human life and the management of bushfire impact.
* Avoid any increase in the risk of bushfire to people, property and community infrastructure.
* Direct population growth and development to low-risk locations and to ensure safe access to areas where human life can be better protected.
* At a settlement level, achieve no net increase in bushfire risk, and where possible reduce bushfire risk overall.
* Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.
* Ensure that development has addressed relevant policies, satisfied performance measures or implemented bushfire protection measures.
* The *Whittlesea Township Plan 2021* (the Plan) was endorsed by Council to establish a long-term vision for the Whittlesea Township. The Plan examines how potential growth in population might be accommodated in a way that continues to protect the rural character of the Township, which is highly valued by the local community. Relevantly, the Plan notes that significant topographical and landscape features, together with environmental risks including bushfire and flooding, have assisted in defining the current Township boundary and will continue to define the extent of the Township.

**Planning Controls**

Planning scheme ordinance

The following planning scheme ordinance applies to the subject lot:

*Clause 32.03 - Low Density Residential Zone* -The site is zoned Low Density Residential Zone under the Whittlesea Planning Scheme where each lot must be at least 0.4 hectares or 4000 sqm.

*Clause 43.04 - Development Plan Overlay Schedule 2 (DPO2)* -The Development Plan area is affected by the Development Plan Overlay Schedule 2 which includes requirements with respect to Whittlesea Rural Residential Areas.

*Clause 44.06 - Bushfire Management Overlay (BMO)* -Approximately the southern half of the subject property, between 230-240 metre contour lines, is within the Bushfire Management Overlay.

The Bushfire Management Overlay (BMO) extends into the highest ridgelines of Humevale and Kinglake West to the north-east and into parts of Yan Yean Reservoir catchment to the south (*refer Attachment 3*). There is no development proposed within the BMO.

*Whittlesea Township Local Structure Plan 1994 (Incorporated document)*

The *Whittlesea Township Local Structure Plan* (LSP) addresses rural residential development by summarising objectives for each precinct. Despite the constraint of fragmented ownership, the positioning of the Precinct 4 land in relation to the existing township and the slope characteristics of the land was considered to offer, in the context of planning policy of the day, a good opportunity to establish an attractive rural residential precinct. It was, however, anticipated that the actual number of lots created would be at the lower end of projected capacity given the slope of the land, soil type, the water catchment area and a desire to preserve views to and from the Whittlesea Yea Road. The LSP provided particular emphasis on Ridge Road connections, with access being provided to larger rather than small allotments.

Design objectives included:

* Contain development below the 240m contour to maintain significant ridgelines and to preserve views from Whittlesea-Yea Road.
* Provide for a range of allotment sizes which can effectively contain household wastewater on site.

*Approved Rural Residential Precinct 4a Outline Development Plan Part 1 (Amended 1 March 2017)*

The purpose of the Development Plan is to refine the objectives and broad framework as outlined in the LSP and to establish the principles to be applied at the subdivision stage. The approved Development Plan includes a number of objectives and guidelines which respond to the site context and give effect to the rural residential character of the precinct.

**Assessment of the draft Development Plan**

*Bushfire planning assessment*

The Victorian state government website (Department Transport and Planning – Bushfire Planning Policy) provides direction on how the planning and building systems are to respond to bushfire risk. It directs decision makers to Clause 71.02-3 (Integrated decision making) and Clause 13.02-1S (Bushfire planning) when dealing with bushfire areas.

*Clause 71.02-3* of the Whittlesea Planning Scheme (Integrated decision making) requires that planning and responsible authorities in their decision making must prioritise the protection of human life over all other policy objectives or issues in bushfire affected areas. The protection of human life cannot be balanced or traded off against other objectives or issues.

*Clause 13.01 -1S* of the Whittlesea Planning Scheme(Natural hazards and climate change) seeks to ensure that strategic planning and planning applications have regard to all natural hazards and their risks. Relevant strategies include:

* Respond to the risks associated with climate change in planning and management decision-making processes.
* Site and design development to minimise risk to live, health, property, the natural environment and community infrastructure from natural hazards.

*Clause 13.02 -1S* of the Whittlesea Planning Scheme (Bushfire) has a specific objective to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

The introduction of this policy reflects the Victorian government’s commitment to creating a safer state, and the important role of planning decision making, which can avoid and reduce the risk of bushfire to people and communities.

It ensures:

* A rigorous assessment of bushfire risk before decisions are made.
* Growth is directed to low-risk areas.
* That development considers and includes bushfire protection measures in all stages of the planning process.

*Clause 13.02-1L – Bushfire Planning*

Amendment C250wsea introduced local planning policy in 2020 which seeks to:

* Ensure that bushfire and grassfire threat is minimised or mitigated at a strategic and settlement level through to a precinct, sub-precinct, street and lot level.
* Ensure that effective protection measures are in place prior to any development proceeding.
* Ensure that protection measures can be established and maintained in conjunction with the ongoing use of the land, including any mechanisms required to achieve this.

*Response:*

Council officers consider that the land could be subject in the future to large landscape-scale bushfires and that the location of the subject site cannot be considered low risk.

There is significant policy direction not to direct new housing to areas of bushfire risk including considering the increasing risk from natural hazards over time. Policy directs decision makers to prioritise human life over all other policy considerations.

The adopted *Whittlesea Township Plan 2021* states that:

*Directing development to the lowest risk locations is the most effective way to prioritise the protection of human life. Bushfire is and continues to be a threat to the Whittlesea Township and its community, and planning needs to ensure that protection of human life remains a priority as part of future decision making.*

Requests that are similar to the current proposal are regularly received for rural residential areas adjoining the Whittlesea township. Officers provide consistent advice each time, that directing additional housing growth to bushfire affected areas is not supported by settlement and bushfire planning considerations. Approving the proposed amendment to the Development Plan would likely result in a proliferation of applications based on the precedent and have the effect of a settlement planning decision that directs additional housing into bushfire affected areas.

Under bushfire and settlement planning policy specifically introduced to minimise risk to human life from bushfire, the proposal cannot be refined or renegotiated to comply – it must be refused.

*Settlement planning assessment*

*Clause 11.01-1S* *of the Whittlesea Planning Scheme* (Settlement) seeks to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

*Response:*

The Victorian Settlement Framework at Clause 11.01-1S identifies the urban growth boundary for Melbourne, as well as regional Victorian townships that are identified for directing residential growth, or significant change. Whittlesea Township is not identified in the clause as having potential for residential growth. As such, there is no support in the planning scheme for directing additional housing growth to this location, noting that the area is identified as under threat from environmental risks and hazards.

*Urban design and neighbourhood character assessment*

Clause 15.01-5S (Neighbourhood character) seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies include ensuring development responds to its context and reinforces a sense of place and the valued features and characteristic of the local environment and place by respecting the:

* Pattern of local urban structure and subdivision;
* Underlying landscape character and significant vegetation; and
* Neighbourhood character values and built form that reflect community identity.

*Response:*

The approved LSP and Development Plan have established an urban character and provided a framework for subdivision and development that is designed to protect natural landscape features and the environment. The proposal does not include any information to assist in understanding how the proposal has responded to the requirements of the approved Development Plan or the existing urban character.

The existing development within the Development Plan area responds to the topography, vegetation, and view-lines largely as a result of the implementation over time of the strategic planning framework. The introduction of a battle-axe shaped lot with the insertion of a dwelling within the frontage would be contrary to the existing character of the area where houses are well set back, have paddocks, generous landscaping or open space in the frontage, and are oriented to address the street.

*Land capability assessment*

The approved LSP and Development Plan considered the difficulties associated with slope and soil absorption characteristics of the precinct and provided for large effluent envelopes within each lot to ensure household wastewater could be treated on-site. Council officers referred the submitted Land Capability Assessment to Council’s Environmental Health Department due to the proposed size of the effluent field being substantially smaller than that required by the Development Plan. Officers were concerned that the submitted Land Capability Assessments did not consider the proposed subdivision of the lot. As such, the review of the submitted Land Capability Assessment reports by Council’s Environmental Health Department was in the context of the land size remaining at 1.8 hectares.

*Response:*

This issue is not resolved and, whilst it may be possible to provide an effluent field, the proposal has not satisfactorily demonstrated that it would be an adequate size to service the proposed lot.

*Assessment against the approved Development Plan*

As mentioned earlier in the report, the site is subject to an approved Development Plan (*refer Attachment 6*).

Council officers have determined the proposal is “not generally in accordance” with the Development Plan which does not contemplate further subdivision and development. As such, the proposal seeks to amend the Development Plan to enable subdivision and development at 126 Ridge Road, Whittlesea.

The proposed amendment fails to meet the following objectives of the Development Plan:

* Provide for larger allotments in the precinct, to protect the visual qualities of the ridgeline and limit potential erosion problems.
* Provide for a minimum 1800sqm effluent disposal envelope on each allotment with some larger or able to be increased.
* Provide for a five-metre-wide plantation reserve along the northern boundary (Ridge Road frontage).
* Site and design houses and other buildings to minimise visual intrusion and other detrimental impacts.
* Site houses, outbuildings and driveways to avoid major earthworks and drainage problems.

In 2015 the Development Plan was amended to allow for the subdivision of a 2.418ha lot at Mangalore Rise. In that case, the proponent was able to provide the prescribed 1800sqm effluent envelope and a Land Capability Assessment confirming the effluent for both dwellings could be managed within the proposed lots. More relevantly, the 2015 amendment to the approved Development Plan pre-dated the introduction of new bushfire planning policy.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Sustainable Environment**

We prioritise our environment and take action to reduce waste, preserve local biodiversity, protect waterways and green space and address climate change. Whittlesea 2040 and the Community Plan 2021-2025 provides appropriate management of these settlements including via climate change mitigation and adaptation and bushfire abatement/mitigation.

*Response:*

From a settlement planning and community resilience perspective, the proposal to provide an additional dwelling in a rural residential area is not supported by planning policy or Council policy.

# Considerations of Local Government Act (2020) Principles

Financial Management

In accordance with Section 149 of the Planning and Environment Act 1987 a specified person may apply to the Victorian Civil and Administrative Tribunal (VCAT) for review of a decision that is to be made to the satisfaction of the Responsible Authority. The proponent has expressed their intention in writing to request review of an adverse Council decision by the Victorian Civil and Administrative Tribunal (VCAT). If this review proceeds, the cost for legal representation, if required, is included in the Planning and Development Directorate operational budget.

**Community Consultation and Engagement**

It is usual process to advertise draft Development Plan proposals which meet the requirements of the Whittlesea Planning Scheme.

The draft Development Plan was not placed on community consultation because fundamental policy non-compliances prevent an officer recommendation for approval.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

(a) Council decisions are to be made and actions taken in accordance with the relevant law.

(b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

(c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

(d) The municipal community is to be engaged in strategic planning and strategic decision making.

(e) Innovation and continuous improvement is to be pursued.

(f) Collaboration with other Councils and Governments and statutory bodies is to be sought.

(g) The ongoing financial viability of the Council is to be ensured.

(h) Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

(i) The transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

(a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

(b) Council information must be publicly available unless—

(i) the information is confidential by virtue of the *Local Government Act* or any other Act; or

(ii) public availability of the information would be contrary to the public interest.

(c) Council information must be understandable and accessible to members of the municipal community.

(d) Public awareness of the availability of Council information must be facilitated.

# Council Policy Considerations

Social, Cultural and Health

The proposed draft Development Plan impacts positive social and health impacts by compromising human settlement patterns in an area of bushfire risk. Council has committed to supporting the community to be safer, better prepared and more resilient to emergency events and disasters through increased access to information and education (*City of Whittlesea Community Plan 2021-2025*).

Priorities for action include embedding climate resilience across Council policies, strategies, and plans, and discouraging new settlements in areas prone to extreme natural hazards (*City of Whittlesea* *Climate Change Plan 2022-2032*).

**Economic**

In the face of increased climate risk, climate resilient built environment and infrastructure can save lives, reduce trauma, and minimise economic damage from disasters and associated recovery costs(*City of Whittlesea Climate Change Plan 2022-2032*).

**Legal, Resource and Strategic Risk Implications**

In accordance with Section 149 of the Planning and Environment Act 1987 a specified person may apply to the Victorian Civil and Administrative Tribunal (VCAT) for review of a decision that is to be made to the satisfaction of the Responsible Authority. If such a review proceeds, the cost for legal representation, if required, is included in the Planning and Development Directorate operational budget.

# Implementation Strategy

Communication

The Council decision will be communicated to the proponent.

Critical Dates

* 15 October 2024 – Application to Council to amend Development Plan.
* 11 February 2025 – Council Briefing.
* 18 February 2025 – Council Meeting to consider application.

# Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

# Attachments

1. Site Context and Location Plans [**5.5.1** - 2 pages]
2. Site Photos [**5.5.2** - 4 pages]
3. Bushfire Map Overlay plus contours [**5.5.3** - 1 page]
4. Development Plan Assessment Process [**5.5.4** - 1 page]
5. Planning Document Hierarchy [**5.5.5** - 1 page]
6. Current Rural Residential Precinct 4 A Outline Development Plan, Part 1, Amended 2017 [**5.5.6** - 13 pages]
7. Proposed Rural Residential Precinct 4 A Outline Development Plan, Part 1, Ridge Road, 2024 [**5.5.7** - 1 page]
8. Proposed Site Plan, 126 Ridge Road, Whittlesea [**5.5.8** - 1 page]

5.6 2025 Infrastructure Grant Opportunities

**5.6 2025 Infrastructure Grant Opportunities**

**Director/Executive Manager:** Director Customer & Corporate Services

**Report Author:** Coordinator Capital Programming & Reporting

**In Attendance:** Coordinator Capital Programming & Reporting

# Executive Summary

This report provides an overview of the available grant funding through the 2024-25 Growing Suburbs Fund and the 2025 Growth Areas Infrastructure Contribution Fund seeking endorsement to proceed with applications. A mandatory requirement for both funding programs is Council Resolution supporting applications in priority order be submitted with the application.

# Officers’ Recommendation

**THAT Council:**

1. **Support and approve the submission of applications for three projects listed in priority order to the 2024-25 Growing Suburbs Fund administered by the Office of Suburban Development, Department of Transport and Planning:**
2. **Derby Meadows Preschool and Boori Children’s Centre Redevelopment, $1,000,000.**
3. **Construction of Koukoura Park, $200,000.**
4. **Olivine Recreation Reserve Skate Park Development, $300,000.**
5. **Support and approve the submission of application for one project to the 2025 Growth Areas Infrastructure Contribution Fund administered by the Department of Transport and Planning:**
6. **Construction of High Street Shared Path, Keon Park Station to Thomastown Station $3,000,000.**

# Background / Key Information

**2024-25 Growing Suburbs Fund**

The Victorian Government is investing $5 million through the 2024-25 Growing Suburbs Fund to support the delivery of local infrastructure in our fastest growing suburbs.

The Growing Suburbs Fund (GSF) will be delivered in coordination with other government infrastructure investments in growth municipality communities. The GSF is overseen by the Minister for the Suburbs and administered by the Department of Transport and Planning (DTP).

The 2024-25 Growing Suburbs Fund is open to applications from Melbourne’s seven growth councils: Cardinia, Casey, Hume, Melton, Mitchell, Whittlesea, and Wyndham.

The GSF contributes to meeting critical local infrastructure needs for communities in our changing and fast-growing outer suburbs. It is positioned to quickly respond to the pressures being experienced by growing communities by speeding up infrastructure projects that will make a big difference to the liveability and resilience of these areas.

Grants will be targeted towards high priority community infrastructure and planning projects that:

* Increase social and economic participation in Melbourne’s fast growing outer suburbs.
* Meet the health and wellbeing needs of people in fast growing outer suburbs.
* Increase local economic activity.
* Improve capacity for councils to respond to changing community needs and demands.
* Plan for and/or deliver integrated or multi-purpose community infrastructure.
* Advance inclusive and accessible development by ensuring investments are universally designed, environmentally sustainable and strategically planned.
* Create a safe and engaging environment for disadvantaged community members.
* Contribute to improved gender equality in line with the Gender Equality Act 2020.
* Progress key priorities of the Victorian Closing the Gap implementation plan by delivering important cultural community infrastructure, and further enhancing the partnership between government sectors, First Nations community-controlled organisations, and the wider community.

Due to the reduced pool of funding available (from $50 million in past years) it has been emphasised that this round of GSF will be targeted toward projects located in areas zoned for growth.

There is no limit to the number of applications that can be submitted. There is also no limit on the amount of funding that may be awarded per Council.

Applicants are required to make cash contributions of at least a 1:1 ratio of grant funding.

Projects are required to commence construction within 18 months of the grant being

announced and be completed within 24 months of the commencement of construction.

The projects listed below have been identified as best meeting the grant funding objectives and criteria under the infrastructure category and are listed in priority order:

1. Derby Meadows Preschool and Boori Childrens Centre Redevelopment, $1,000,000.
2. Construction of Koukoura Park, $200,000.
3. Olivine Recreation Reserve Skate Park Development, $300,000.

These projects have been selected due to their alignment with the GSF Program objectives and outcomes. The projects have the appropriate level of planning undertaken, evidencing project readiness, to ensure delivery of the project within the program time frames.

A pre application meeting with the funding agency (DTP) is a mandatory requirement and was held on both 24 December 2024 and 21 January 2025. Each of the listed projects were supported by the department representative as being eligible for submission.

**2025 Growth Areas Infrastructure Contribution Fund**

The Victorian Government is investing $150 million through the 2025 Growth Areas Infrastructure Contribution Fund (GAIC) focussing primarily on transport outcomes, like bus services, stations, interchanges, intersections, roads, bike paths and walking paths.

GAIC responds to the state infrastructure challenges facing new communities in the municipalities of Cardinia, Casey, Hume, Melton, Mitchell, Whittlesea, and Wyndham.

GAIC was introduced in 2010 under Part 9B of the Planning and Environment Act 1987 (the Act). It is a one-off contribution paid by developers. It collects some of the increased value of growth area land, that has been rezoned for new development since 2005. These contributions help to fund the state infrastructure requirements of new communities.

GAIC is overseen by the Minister for Planning and administered by the Department of Transport and Planning (DTP), in partnership with the Treasurer and the Department of Treasury and Finance.

The 2025 funding round will provide $150 million primarily for transport focused initiatives. Grants will be targeted towards high priority transport initiatives that:

* Improve network coverage of public transport services in growing outer suburbs.
* Encourage greater access to public transport and improve amenity, safety and accessibility of new or existing railway stations or bus interchanges.
* Deliver new and upgraded active transport connections which address gaps in the existing network and increase pedestrian safety.
* Target strategic cycling corridors and/or complement Big Build initiatives.
* Increase capacity and safety for new and existing intersections and roads.
* Increase local economic activity.
* Support other State Government priorities.

Applicants are required to make cash contributions of at least a 1:1 ratio of grant funding.

Projects are required to commence construction within 18 months of the funding agreement execution and be completed within 24 months of the commencement of construction.

The project listed below has been identified as best meeting the grant funding objectives under the Active Travel funding stream category.

1. Construction of High Street Shared Path, Keon Park Station to Thomastown Station, $3,000,000.

A pre application meeting with the funding agency (DTP), is a mandatory requirement and was held both on 2 January 2025 and 23 January 2025.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**High Performing Organisation**

We engage effectively with the community, to deliver efficient and effective services and initiatives, and to make decisions in the best interest of our community and deliver value to our community.

# Considerations of *Local Government Act (2020)* Principles

Financial Management

The nominated projects are listed with forecast budgets in the 4 Year Capital Works Program. If the grant applications are successful, this will result in an offset to Council’s future Capital Works Program.

Community Consultation and Engagement

A cross-organisation working group was established to identify opportunities within the   
4-year Capital Works Program and shortlisted projects that best met the grant guidelines.

The selected projects align with the top three priorities identified through the Community Priorities consultation:

* Transport Network Improvements.
* Parks, playgrounds, and open space.
* Community Facilities.

Each project will undergo its own community consultation as part of the project planning process.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

(b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Public Transparency Principles

(a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

# Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

The nominated projects will meet health, wellbeing and social needs of people in growing

outer suburbs.

Economic

No implications.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

Once approved by Council a copy of the Council Resolution will be provided as part of the

grant application.

Critical Dates

Applications are currently open with both funding opportunities closing 28 February.

Announcements of successful applications are expected in May 2025.

# Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020*officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

# Attachments

1. 2024-25 Growing Suburbs Fund - Proposed Applications in Priority Order [**5.6.1** - 6 pages]
2. 2025 Growth Areas Infrastructure Contribution Program - Proposed Application [**5.6.2** - 4 pages]

5.7 Contract Variation 2018-58 Cloud Infrastructure Services

**5.7 Contract Variation 2018-58 Cloud Infrastructure Services**

**Director/Executive Manager:** Director Customer & Corporate Services

**Report Author:** Unit Manager Technology Infrastructure & Support

**In Attendance:** Chief Information Officer

This attachment has been designated as confidential in accordance with sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that:

1. relates to trade secrets; or
2. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

# Executive Summary

It is proposed that contract number 2018-58 for Cloud Infrastructure Services is varied to suit operational requirements. Cloud Infrastructure Services is a cloud computing model that provides on-demand access to computing resources such as servers, storage, networking, data protection and virtualisation. This Cloud based services module has given City of Whittlesea competitive advantages by providing the most innovative technology available and improving not only council’s IT system availability, reliability, and performance but also the IT efficiency. The contractor has demonstrated excellent performance and co-operation with City of Whittlesea while keeping competitive pricing since the induction of the contract.

# Officers’ Recommendation

**THAT Council:**

1. **Resolve to extend the contract with Thomas Duryea Logicalis Pty Ltd (TDL) for a two year period ending 27 February 2027 at a cost of $1,080,000 (ex GST) bringing the cumulative value to $3,897,442.41 (ex GST).**
2. **Note the contract has performed satisfactorily to date.**
3. **Note budget is available within the current operating budget.**

# Background / Key Information

The Cloud Infrastructure Services contract was awarded to Thomas Duryea Logicalis Pty Ltd. The purpose of this contract is to host the Councils IT infrastructure, which includes backup and disaster recovery services in a private data centre. A summary of the financial performance of the contract is provided in the confidential attachment.

The contract has been performed satisfactorily to date, however a variation of $1,080,000 is now required for a contract extension until 28 February 2027. Further details of the requested variation are provided in the confidential attachment.

The contractor’s prices have been benchmarked and are considered competitive.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**High Performing Organisation**

We engage effectively with the community, to deliver efficient and effective services and initiatives, and to make decisions in the best interest of our community and deliver value to our community.

This contract supports a cloud based hosted environment to improve redundancy.

# Considerations of *Local Government Act (2020)* Principles

Financial Management

Sufficient funding for this contract is available in Infrastructure and support budget.

Community Consultation and Engagement

Community consultation and engagement was not required in relation to the subject matter of this report as it relates to commercial arrangements and contractual obligations that are confidential.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

(e) Innovation and continuous improvement is to be pursued.

**Public Transparency Principles**

(a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

(b) Council information must be publicly available unless—

(i) the information is confidential by virtue of the *Local Government Act* or any other Act; or

(ii) public availability of the information would be contrary to the public interest.

# Council Policy Considerations

Environmental Sustainability Considerations

Reduction on hardware replacement and reduced energy consumption.

Social, Cultural and Health

No implications.

Economic

No implications.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

Once Council approves the variation, the supplier will be notified of the contract extension.

# Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

# Attachments

1. CONFIDENTIAL REDACTED - Confidential Contract Variation Details [**5.7.1** - 2 pages]

5.8 Pricing Policy - Fees and Charges

**5.8 Pricing Policy - Fees and Charges**

**Director/Executive Manager:** Director Customer & Corporate Services

**Report Author:** Unit Manager Financial Development & Accountability

**In Attendance:** Chief Financial Officer

# Executive Summary

Council currently reviews its fees and charges on an annual basis as part of the annual Budget process, a practice that is common across the Local Government sector. However, to strengthen the process a formal Pricing Policy - Fees and Charges (Attachment 1) will ensure a structured, consistent and transparent approach to setting fees and charges for services delivered by Council for the community.

The policy has been developed to establish a sustainable financial management framework for setting fees and charges. The policy responds to the rising costs of delivering services to the community which in turn impacts on Council budgets. It also acknowledges the increasing complexity of delivering certain services due to legislative requirements and the need to meet community expectations. The policy also considers the circumstances of beneficiaries or users of a service when establishing an approach to setting fees and charges, with high regard to minimising impacts to cost of living for our community.

It has been identified through benchmarking across the Local Government sector that many of City of Whittlesea’s fees and charges are significantly lower than other Councils who provide the same or similar services. As such, this policy will assist to ensure our services better reflect the cost of delivering the service, defined as cost recovery, while making sure we remain aligned with sector norms.

By implementing this policy, Council will be making evidence-based decisions about the services it wishes to subsidise, including those with broad community benefit, and where it may seek full cost recovery where the services unlock significant commercial benefit. By adopting this policy, the Council seeks to balance community versus commercial benefits, to promote fairness, transparency and sustainability while ensuring alignment with community expectations and strategic objectives.

Key objectives of the policy include:

* Ensuring that fees and charges reflect the actual cost of providing high-quality services
* Establishing a balance between affordability for residents and the need for financial sustainability
* Enhancing budgetary self-sufficiency and securing long-term service continuity
* Providing clear guidance and transparency to Council, its officers, and the community on the rationale behind fees and charges
* Promoting accountability in setting fees that meet strategic objectives and address community needs
* Ensuring Council’s fees and charges are aligned with sector norms.

The policy is guided by principles of equity, accessibility, and social inclusion, ensuring that services and resources are distributed transparently.

# Officers’ Recommendation

**THAT Council endorse the Pricing Policy – Fees and Charges at Attachment 1.**

# Background / Key Information

Council currently reviews its fees and charges on an annual basis as part of annual Budget process, a practice that is common across the Local Government sector. However, to strengthen the process a formal Pricing Policy - Fees and Charges (Attachment 1) is necessary to provide a structured, consistent and transparent approach to setting fees and charges.

The Pricing Policy - Fees and Charges (Attachment 1) responds to growing financial challenges faced by Council. The rising costs of essential services have outpaced minimal fee increases, which have been tied to the rate cap and bear little relation to the actual cost of delivering these services. While acknowledging that the Council currently subsidises the cost of services to ease the financial burden on the community, this has led to budget shortfalls and financial strain, limiting Council’s capacity to sustain and expand essential services for the community.

This policy ensures fairness, transparency, and sustainability by balancing affordability with maintaining service quality. It commits to responsible financial management, enhancing self-sufficiency, and ensuring long-term service continuity. Fees and charges will reflect the actual cost of service delivery while considering affordability, community benefit, and equity. A principle-based approach ensures pricing aligns with community expectations, legislative requirements, and competitive neutrality. The policy promotes social inclusion, ensuring equitable distribution of services and resources, delivering outcomes that benefit the entire community.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**High Performing Organisation**We engage effectively with the community, to deliver efficient and effective services and initiatives, and to make decisions in the best interest of our community and deliver value to our community.

# Considerations of *Local Government Act (2020)* Principles

Financial Management

The costs associated with this policy will be determined through implementation process, reflecting the significant effort required for its effective application. This approach ensures resources are allocated appropriately to support the successful rollout and long-term sustainability of the policy across all relevant areas.

**Community Consultation and Engagement**

If Council resolves to endorse the policy, it will continue to proactively engage with the community to collect meaningful feedback on the proposed Budget which includes the Fees and Charges schedule. This committed approach reinforces transparency, strengthens accountability, and ensures alignment with organisational objectives and the needs of the community.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

(g) The ongoing financial viability of Council is to be ensured.

Public Transparency Principles

(a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

# Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

The pricing policy is designed to ensure accessibility and inclusivity for all community members, fostering social cohesion and promoting equity. Concessions and subsidies will be provided to vulnerable groups to encourage participation in cultural, recreational, and health-focused activities. This approach supports public health objectives, celebrates cultural diversity and strengthens the social fabric of the community.

Economic

The policy balances affordability for the community with the financial sustainability of Council. It considers the economic impact of fees on individuals and businesses, ensuring that pricing does not deter participation while generating sufficient revenue to maintain high-quality services and infrastructure. Additionally, it offers tiered pricing or targeted discounts to stimulate local economic growth and support community development.

**Legal, Resource and Strategic Risk Implications**

The pricing policy complies with all relevant legal frameworks, ensuring transparency and accountability in fee structures. Regular reviews will ensure the policy remains aligned with legislative requirements, resource constraints and broader organisational goals.

# Implementation Strategy

**Communication**

This process will be communicated to responsible officers, equipping them to thoroughly review and integrate the updated fees into the annual Budget. Once finalised, Council will actively engage with the community to gather valuable feedback on the proposed Budget, which incorporates the Fees and Charges schedule. This approach ensures transparency, accountability, and alignment with both organisational priorities and community needs.

Critical Dates

This policy will strengthen the current process of annually reviewing fees and charges during the Budget planning period.

# Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020*officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

# Attachments

1. Pricing Policy - Fees and Charges [**5.8.1** - 12 pages]

5.9 Quarterly Corporate Performance Report - Q2 ended 31/12/2024

**5.9 Quarterly Corporate Performance Report - Q2 ended 31/12/2024**

**Director/Executive Manager:** Director Customer & Corporate Services

**Report Author:** Unit Manager Financial Strategy & Performance

**In Attendance:** Chief Financial Officer

# Executive Summary

This report provides the Quarterly Corporate Performance (Q2) outcomes and comprehensive summary for the period ended 31 December 2024 provided at Attachment 1 relating to:

* Council’s financial performance;
* Community Plan Action Plan 2024-25; and
* Good Governance Actions.

# Officers’ Recommendation

**THAT Council:**

1. **Note the Quarterly Corporate Performance Report for the period ended 31 December 2024 in Attachment 1.**
2. **Note the financial performance for the period ended 31 December 2024 contained within Attachment 1.**

# Background / Key Information

**Introduction**

The Quarterly Performance Report for the period 31 December 2024 has been prepared in accordance with the *Local Government Act 2020*. The report (Attachment 1) is designed to provide comprehensive summary of following:

* Community Plan Action Plan 2024-25 to 31 December 2024;
* Good Governance actions to 31 December 2024;
* 2024-25 Capital Works program to 31 December 2024; and
* Council’s financial performance to 31 December 2024.

The report includes the following comparisons for the six months ended 31 December 2024:

* actual and budgeted operating revenues and expenses;
* actual and budgeted capital revenues and expenses;
* actual movements in the balance sheet; and
* actual movements in the cash flow statement.

**Community Plan Action Plan**

The Community Plan 2021-25 includes 61 key initiatives. 59 related key actions are included in the Community Plan Action Plan for delivery in the 2024-25 financial year. Of 59 key actions included in the Community Plan Action Plan 2024-25:

* three are reported as “Complete”
* 55 are reported “On Track”
* one is reported “Off Track”

The figure below is the spread by goal of the Community Plan 2024-25 actions by their status:

**Figure 1**

The table below lists the key action reported as “Off Track” and includes the internal project comment:

|  |  |  |
| --- | --- | --- |
| **Key actions** |  | **Progress Status** |
| **Goal 2: Liveable neighbourhoods** |  |  |
| Finalise construction of a signalised intersection at Plenty Rd and Everton Drive, Mernda | | OFF TRACK |
| Comment: The construction of the Plenty Road and Everton Drive signalised intersection will continue with works recommencing in January 2025. Significant delays have been experienced as a result requests made by the Department of Transport and Planning. The works were scheduled to be completed in June 2025 however they are now expected to be completed by late 2025. | | |

One action which was remaining in the Community Plan Action Plan for delivery in the 2023-24 financial year, has now been completed.

Please refer to Attachment 2 for the detailed status report covering all 59 key actions and comments.

**Good Governance**

During the reporting period several actions were undertaken to ensure continuous improvements are made. Council continued to deliver good governance and returned to an elected Council.

Council entered the Election Period (Caretaker) at 12 noon on 17 September 2024, ensuring decision-making processes remained transparent throughout the election. Caretaker period concluded on Election Day, 26 October 2024.

Following the release of results from the Victorian Electoral Commission, 11 newly elected Councillors were appointed to the 11 single Councillor wards. All elected Councillors took the Oath/Affirmation of Office on 12 November 2024 prior to commencing their formal induction program and workshops covering such topics as:

* Local Government fundamentals.
* Requesting information.
* Governance 101 and Governance Rules.
* Delegations.
* Chairing Council meetings.
* Finance 101.
* Budget assumptions.
* Assets.
* Council Plan.

The Mayor and Deputy Mayor, duly elected on 19 November 2024 completed the MAV mandatory training in addition to undertaking media training.

Other key achievements this quarter relating to continuous and improved good governance included:

* Ensuring open and transparent decision-making, scheduled Council meetings continued monthly, with exception of the September and October meetings due to the caretaker period. During this reporting period, four Council resolutions remain open.
* Two Unscheduled Council meetings were held in September. The 3 September 2024 meeting focus was to facilitate the in-principle adoption of the financial reports for the year ended 30 June 2024, and the 17 September 2024 meeting focus was for the adoption of the 2023-24 Annual Report and CEO Annual Performance Review.
* In addition to the two Unscheduled meetings, there were two Scheduled Council meetings held during the reporting period. The 19 November 2024 meeting focus was for the election of the Mayor and Deputy Mayor for a 12-month period and the first official Council meeting of the newly elected Council was held on 17 December 2024.
* During the reporting period the Youth Council convened three times on 2 September 2024, 11 November 2024 and 2 December 2024. No meeting was held in October due to the caretaker period. During these meetings, Council officers sought input and feedback on community priorities to assist in developing key documents including the 2025-26 budget and Community Plan 2025-29 and sought their submission on the Draft Mill Park Place Framework and their input on incentives and approaches to increase the participation of young people in future Community Insights Studies.
* During the reporting period, the Audit and Risk Committee met twice on 10 September 2024 and 3 December 2024. The committee membership consists of four independent members and two Council representatives. At the 3 December meeting, Council representatives changed from Administrators to elected Council. They continue to consider several matters including Council’s financial and performance reporting, risk management, internal assurance, internal and external audit outcomes, systems of internal control, governance, and compliance.
* All Councillors completed their Election Campaign Returns by the due date of 5 December 2024 and their Initial Personal Interest Returns by 11 December 2024.

**Transparency**

In accordance with the *Local Government Act 2020*, biannual personal interest returns were circulated to nominated officers on 1 September for completion no later than 30 September 2024. Due to annual leave, there was a delay in receiving returns from three nominated officers, however, they were submitted on their return and no non-compliances were required to be reported.

In relation to Freedom of Information, during this quarter there were:

|  |  |
| --- | --- |
| New FOI Applications Received | 12 |
| Completed/Closed FOI Requests | 20 |
| Current FOI’s In Progress | 10 |

Current FOI applications received in this reporting period include:

* One building and planning matter;
* Two Council Watch requests;
* Four requests relating to potential Injury / Public Liability claims;
* One animal management investigation;
* One relating to infringement related documents; and
* One relating to staff conduct records.

In addition to the new applications, in the previous reporting period, one FOI decision was escalated to the Office of the Victorian Information Commissioner (OVIC) and is still pending resolution.

During this period, the following two privacy matters were received:

* A mailout error impacting up to 265 customers occurred and staff are currently investigating the impact of the matter.
* Staff identified private information incorrectly stored in our Customer Relationship Management system and was temporarily rectified while permanent measures are being investigated.

**Capital Works Program**

Council adopted the 2024-25 Capital Works Program on 21 May 2024 with a budget of $107.5 million. The Capital Works Annual Budget also includes 2023-24 carry forwards of $16.92 million, providing a total budget of $124.42 million.

The below table includes a summary of the Capital Works program:



The financial expenditure performance of the Capital Works program to 31 December 2024 is detailed below:



As at 31 December 2024, capital expenditure stands at $41.65 million, compared to the year-to-date Annual Budget of $41.71 million, reflecting a variance of $0.05 million behind budget.

The forecast for the year ending 30 June 2025 anticipates total capital expenditure of $108.65 million, which is $15.77 million below the Annual Budget of $124.42 million.

**Program impacts and carry forwards**

The delivery of projects within the 2024-25 capital works program have been impacted throughout the year due to the following themes:

* Service authority approvals; and
* Timeline adjustments due to delays experienced in the previous year.

This has resulted in an estimated forecast of $9.95 million to be carried over into 2025-26. Project progress will continue to be reported to the Enterprise Program Board to assist in early identification and mitigation of risks to delivering this year's capital works program.

**Infrastructure Grants**

A summary of recent infrastructure grant outcomes is included in the Grants Status Report (Attachment 3). A total of $29.87 million in applications have been successful to date this financial year. Applications to the value of $85.98 million are awaiting outcomes/ announcements.

**Financial Performance**

The Financial Performance Report for the period ended 31 December 2024 includes the following financial statements included in the Corporate Performance Report (Attachment 1):

* Comprehensive Income Statement;
* Balance Sheet;
* Statement of Cash Flows;
* Statement of Capital Works; and
* Summary of Reserves.

The financial performance of the operating program for the period ended 31 December 2024 is detailed below:



For the six months ended 31 December 2024, Council recorded an operating surplus of $206.15 million, which is $4.67 million favourable to the year to date budget. Council's operating surplus is impacted early in the year by the timing of rate revenue being reported. The forecast for the year ending 30 June 2025 is expected to have an operating surplus of $187.56 million, which is $43.2 million favourable to the Adopted Budget.

**Operating Surplus**

Whilst the operating surplus may look like a significant surplus, it is important to note that it is not a cash surplus or immediately available funds for Council. A significant portion of this surplus is tied to non-cash items or restricted by legislation as per the following:

1. Gifted assets: These are non-cash contributions received from developers such as roads, parks or infrastructure from developers;
2. Developer contributions: These are contributions received from developers and are restricted by legislation on how and when they can be used;
3. Capital grants: The grant received for a specific infrastructure project and usage is restricted by the funding agreement; and
4. Capital Works program: A significant portion of the available surplus is invested towards maintaining, upgrading or delivering new critical infrastructure for our growing community.

If the above items from a) to c) were removed, the year to date adjusted underlying surplus is $122.53 million and the forecast for the year ending 30 June 2025 is expected to have an adjusted underlying surplus of $9.88 million.

The operating result is a key figure to assess Council’s financial performance. Although Council is a not-for-profit organisation, it should still generate a surplus to ensure future financial sustainability.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**High Performing Organisation**

We engage effectively with the community, to deliver efficient and effective services and initiatives, and to make decisions in the best interest of our community and deliver value to our community.

# Considerations of *Local Government Act (2020)* Principles

Financial Management

All matters raised in this report, which have financial implications, have been reflected in the Corporate Performance Report for the six months ended 31 December 2024 (Attachment 1).

The Chief Executive Officer notes, as required under section 97(3) of the *Local Government Act 2020*, is of the opinion a revised budget is not required.

Community Consultation and Engagement

The Community were extensively engaged and consulted in developing the 2024-25 budget.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

(g) The ongoing financial viability of the Council is to be ensured.

**Public Transparency Principles**

(a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

# Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

No implications.

Economic

No implications.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

Reported information has been sourced and discussed with line management and project managers across the organisation. Consultation has also been undertaken with the Executive Leadership Team.

# Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

# Attachments

1. Corporate Performance Report December 2024 [**5.9.1** - 30 pages]
2. Community Plan Action Plan 2024-2025 - Q2 Performance Report [**5.9.2** - 11 pages]
3. Capital Grants Status Update December 2024 [**5.9.3** - 3 pages]

**6 Notices of Motion**

No Notices of Motion

**7 Urgent Business**

**8 Reports from Councillors and CEO Update**

**9 Confidential Business**

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*.

# Recommendation

**THAT the Chair recommends that the meeting be closed to the public for the purpose of considering details relating to the following confidential matters in accordance with Section 66(2)(a) of the *Local Government Act 2020* as detailed.**

**10 Closure**